

BYLAW 1037-16

**BEING A BYLAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA**

**TO PROVIDE FOR THE CONTROL AND OPERATION OF
PARKS, CAMPGROUNDS AND OTHER PUBLIC AREAS
WITHIN MACKENZIE COUNTY**

WHEREAS pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto the Council of the Mackenzie County may pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS Mackenzie County and the Province of Alberta have an agreement in place permitting Mackenzie County to administer and enforce the Parks Bylaw at the following sites as described in the Fee Schedule Bylaw and all day use camp areas within the Municipality.

NOW THEREFORE, the Council of Mackenzie County in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 SHORT TITLE

1.1 This Bylaw may be cited as the “**MUNICIPAL PARKS BYLAW**”.

SECTION 2 DEFINITIONS

2.1 In this Bylaw, unless context otherwise requires:

- (a) “**ABANDONED**”, means left standing at a location for more than 72 consecutive hours other than pursuant to a license, permit, or other similar authorization, or prior authorization of a Park Officer;
- (b) “**ANIMAL**”, means a domestic animal and includes an animal that is wild by nature but has been domesticated;
- (d) “**CAMPING ACCOMMODATION UNIT**”, means a;
 - i. tent
 - ii. trailer
 - iii. tent trailer
 - iv. van
 - v. truck camper
 - vi. motor home

- (e) **“COUNCIL”**, means the Council of Mackenzie County, duly assembled and acting as such;
- (f) **“FIREARM”**, means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things;
- (g) **“HIGHWAY”**, means a highway as defined in the Highway Traffic Act;
- (h) **“INDIVIDUAL CAMPSITE”**, means a separate designated stall under this Bylaw;
- (i) **“MOTOR VEHICLE”**, means a motor vehicle as defined in the Highway Traffic Act;
- (j) **“MUNICIPALITY”**, means Mackenzie County, a Municipal Corporation in the Province of Alberta.
- (k) **“OFF-HIGHWAY VEHICLE”**, means an off-highway vehicle as defined in the Off Highway Vehicle Act;
- (l) **“PARK”**, means land designated as park, campground or recreation area by the Council;
- (m) **“PARK OFFICER”**, means a person appointed as a Park Officer, a Bylaw Enforcement Officer, a Special Constable appointed pursuant to the provisions of the Police Act, a Statute of Alberta, or a member of the Royal Canadian Mounted Police;
- (n) **“PUBLIC AREA”**, means an area in the County normally accessible for use by the public.
- (o) **“SEASONAL CAMPING STALL”**, means an area identified by Mackenzie County for the usage of seasonal or monthly recreational camping, and may include the use of RV; (May 1 – Sept. 30)
- (p) **“WASTE WATER”**, means;
 - i. Grey water waste: any waste water commonly used during cooking, washing or bathing, but does not contain human or animal feces or urine, and
 - ii. Black water waste: any waste water commonly used to facilitate the flushing of toilets, containing human or animal feces and or urine.

- (q) **“WATER ACTIVITY”**, includes swimming, wading, or any other activity resulting in full or partial immersion of a person’s body into water.

SECTION 3 PARK USAGES

3.1 Any person using a park shall;

- (a) Keep the land and improvements in a condition satisfactory to a Park Officer.
- (b) Comply with the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.

3.2 Any person vacating a park shall restore the area to a clean and tidy condition.

3.3 No person shall;

- (a) Interfere with the right of others to the quiet and peaceful enjoyment of a park.
- (b) Deface, injure or destroy any municipal property in a park.
- (c) Excavate or remove any tree, plant, or shrub.
- (d) Remove park equipment.
- (e) Display or post any signs or advertisements in a park unless authorized by the Park Officer or Council.
- (f) Remove, deface, damage or destroy any sign boards, signs or notices posted or placed in a park under authority of this or any other Bylaw or Act.
- (g) clean clothing, fish, cooking or eating utensils, vehicles, equipment, or bathe at or near a drinking fountain, standpipe, well or pump in a park.

3.4 All construction must be authorized by the County.

3.5 No person shall carry on a business in a park unless he has received permission from the County for that purpose.

SECTION 4 REGISTRATION AND CAMPING PERMITS

4.1 All persons entering a park shall register at the Self-Registration Vault or with a Park Officer.

4.2 Each camping accommodation unit must have an individual camping permit.

- 4.3 Notwithstanding subsection 4.1 and 4.2 children under the age of 16 years staying in a tent are exempt from registering provided they are staying in an individual campsite that is currently being occupied by a person(s) with a valid camping permit.
- 4.4 The County may issue individual campsite permits, day use permits, or group camping permits under this Bylaw.
- 4.5 The County may provide for and designate areas for day use and overnight camping.
- 4.6 Reservations (not seasonal camping stalls) will be accepted at the discretion of the caretakers. Reservations for Wadlin Lake Campground will only to be accepted for the upper level.
- 4.7 No person shall camp overnight in a park except in an area designated for that purpose unless otherwise authorized by a Park Officer and has a valid permit.
- 4.8 No person shall alter a camping permit or transfer a camping permit to another person.
- 4.9 The camping permit shall be made available for inspection by the Park Officer at any time.
- 4.10 A group camping permit may be subject to any conditions the County considers appropriate.
- 4.11 The C.A.O. may, in writing, waive any applicable fee to any person or group.
- 4.12 When a campground or park has individual campsites, the maximum allowable combination of motorized vehicles, camping accommodation units, and towed equipment shall not exceed three (3), of which not more than two (2) shall be motorized vehicles
- 4.13 If neither of the two (2) motorized vehicles permitted under section 4.12 is towing a camping accommodation unit or being used for accommodations, two (2) tents may be kept in a campsite in addition to the vehicles permitted under section 4.12.
- 4.14 No person shall camp for more than fourteen (14) consecutive days in the same campground in a park without the written permission of a Park Officer (does not pertain to seasonal camping stalls).
- 4.15 An individual campsite shall be considered to be unoccupied when no camping accommodation unit, motor vehicle, or personal belongings are located on the campsite, unless reserved by the caretaker.

- 4.16 A camping permit is automatically cancelled if the campsite to which it relates to is unoccupied for 24 consecutive hours.
- 4.17 A Park Officer may cancel a camping permit on written notice to the permit holder, if the permit holder contravenes this Bylaw and the permit holder shall vacate the campsite within one hour of receiving such notice.
- 4.18 On the expiration or cancellation of a camping permit, the permit holder shall ensure that the campsite is vacated and that all personal property is removed.
- 4.19 The County may add to, delete or vary the terms and conditions to which a permit is issued under this Bylaw.
- 4.20 No visitors shall be allowed in the park after 11:00 p.m. Any person remaining in the park after 11:00 p.m. shall be subject to pay the overnight camping fee.
- 4.21 No person shall occupy or remain in an area designated as a day use area after 11:00 p.m. unless authorized by a Park Officer.
- 4.22 Check out time for overnight camping shall be 2:00 p.m., overnight charges shall apply to overnight campers who check out after 2:00 p.m.

SECTION 5 SEASONAL CAMPING STALLS

- 5.1 Where designated areas at campgrounds have been identified for monthly or seasonal usage Mackenzie County will determine through a fair process how to designate seasonal camping stalls to individuals,
- (a) If demand for seasonal camping stalls exceeds the current availability, the County shall determine through a seasonal camping stall draw,
- 5.2 Machesis Lake Seasonal camping stall areas will be identified and designated specific locations and sizes by Mackenzie County.
- 5.4 Any permitted RV must be a non-permanent removable structure, must be esthetically pleasing.
- 5.5 On a seasonal camping stall the maximum allowable units shall not exceed one RV.
- 5.7 Any permitted RV must be placed at a location directed by the County.
- 5.8 Only the use of the quiet generators is permitted. This shall be at the discretion of the County.

5.9 Permits are non-transferable.

5.10 Seasonal camping stalls must be maintained in a bear proof manner.

SECTION 6 ACCESS RESTRICTIONS

6.1 No person shall enter or remain in a park or portion of a park where travel or access restrictions have been imposed under this Bylaw.

SECTION 7 FIRES

7.1 No person shall set, light or maintain a fire in a park except in a fireplace, pit or other facility designed for that purpose.

7.2 A person may use any dead vegetation for fuel purposes in a park.

7.3 Where the Municipality is of the opinion that a fire hazard exists in a park, the Municipality may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of a park.

7.4 No fire shall be left unattended or be allowed to spread.

7.5 No person shall deposit or dispose of hot coals, ashes, embers or any other burning or smoldering material in a place other than a stove, fire pit, or other place provided for that purpose by the Municipality.

7.6 All fires, hot coals or smoldering materials shall be extinguished before leaving.

7.7 No person shall remove firewood from a park.

SECTION 8 VEHICLES

8.1 No person shall, within a park, operate or ride an off-highway vehicle that is motor driven, except on a designated trail or area unless otherwise authorized by the Municipality.

8.2 A Park Officer may prohibit the entry of a vehicle into any part of a park.

8.3 No vehicle shall be parked in a manner or at a location that impedes traffic.

8.4 No person shall exceed the posted speed limit with a motor vehicle or off-highway vehicle in a park.

8.5 The owner of a motor vehicle or off-highway vehicle which is involved in any contravention of this Bylaw is guilty of an offence.

8.6 When a motor vehicle, off-highway vehicle, boat, trailer, equipment, appliance, article, or object

(a) Is abandoned,

(b) Remains in an area after the authorization to be in that area has expired, or

(c) Is located in a prohibited area,

A Park Officer may remove, store or dispose of this item in accordance with this Bylaw.

8.7 A Park Officer may seize any vehicle, off-highway vehicle, boat, trailer or any equipment, appliance or other article or object that is being used in a park in contravention of this Bylaw, whether it is found in possession of the person alleged to have committed the contravention or not.

8.8 No motor vehicle, off-highway vehicle, boat, trailer, equipment, appliance, article or object that has been removed or seized shall be released to its owner or the owner's agent until all expenses incurred by the Municipality regarding the subject item have been paid. Such charges shall be in addition to any fine or penalty imposed in respect of any violation or to any payment made in lieu of prosecution as provided for in the Fee Schedule Bylaw.

8.9 Pursuant to section 8.8, if any item stored is not claimed by the owner or someone on his behalf, in return for full payment of costs incurred, within 60 days of its removal, the item and its contents shall be turned over to the Municipality to be disposed of.

SECTION 9 ANIMALS

9.1 All persons having the custody or control of an animal shall

(a) At all times have the animal on a leash.

(b) Be responsible for the immediate clean up of the animals waste upon release.

9.2 A Park Officer may refuse to admit to a park, or require to be removed from a park, any animal if the animal

- (a) Is not under control,
 - (b) Causes a nuisance,
 - (c) Threatens the life, safety, health, or comfort of any person, or
 - (d) Damages property
- 9.3 A Park Officer and/or any other person acting under the supervision of a Park Officer may capture an animal running at large in a park.
- 9.4 When an animal is captured, the Park Officer shall
- (a) Impound the animal, and
 - (b) Make a reasonable attempt to contact the owner or person having custody of the animal.
- 9.5 Where the owner or person having custody of an animal, claims a captured animal from a Park Officer, that person shall pay the fees as set out in the Mackenzie County's Animal Control Bylaw.
- 9.6 When an animal has been impounded for the time period required in Mackenzie County's Animal Control Bylaw, and no person claims it, a Park Officer may dispose of the animal in accordance with the Animal Control Bylaw.
- 9.7 No person shall bring into a Municipal park, a horse, pony, or beast of burden, unless at a designated site (Machesis Lake equine camp), or with the written authorization from a Park Officer.

SECTION 10 WASTE DISPOSALS

- 10.1 No person shall:
- (a) Deposit solid waste matter in a park except in a receptacle or area provided for that purpose by the Municipality.
 - (b) Deposit waste water, sewage or any liquid waste except in a receptacle approved by the municipality.
 - (c) Bring commercial or residential waste matter into a park for disposal.
- 10.2 In areas in a park where waste disposal receptacles are not provided, waste matters shall be carried out of the area for disposal.

SECTION 11 NUISANCES

- 11.1 If, in the opinion of a Park Officer, a nuisance exists on any site which is subject to a permit, the Park Officer may, in writing, order the person causing the nuisance to abate the nuisance, clean the site, or both.
- 11.2 Where a person fails to comply with an order made pursuant to section 11.1 the Park Officer may take whatever steps are necessary to abate the nuisance, clean the site, or both. All costs incurred as a result of the nuisance shall be paid by the offender.
- 11.3 No person who has been removed from a park pursuant to this Bylaw shall, within the following 72-hour period, enter or attempt to enter a park.

SECTION 12 FIREARMS

- 12.1 No person shall discharge a firearm in a park or campground unless the firearm is discharged by a
- (a) A Police Officer,
 - (b) A Fish and Wildlife Officer,
 - (c) A duly authorized Municipal employee, agent, or contractor in the performance of their duties.
- 12.2 Notwithstanding section 12.1, a person who is in possession of a firearm in a park shall ensure the firearm is unloaded and
- (a) In a condition such that the barrel and stock are separated and taken apart, or
 - (b) Completely enclosed in a locked case or other covering designed for that purpose.
- 12.3 No person shall hang or dress big game in the park.

SECTION 13 NO SWIMMING

- 13.1 Any person engaged in swimming, wading or any other Water Activity in a body of water located in a Park or other Public Area, contrary to a "No Swimming" sign posted in respect of that body of water is guilty of an offence and subject to a fine as set out in the Fee Schedule Bylaw.

13.2 Any person in or in the immediate vicinity of a Park or other Public Area who is exercising care, control or supervision of a child or children under twelve (12) years of age who is/are engaged in swimming, wading or any other Water Activity contrary to Section 13.1, is guilty of an offence and subject to a fine as set out in the Fee Schedule Bylaw.

SECTION 14 SIGNAGE

14.1 The Council may:

- (a) Subject to the Traffic Safety Act, control and prohibit the movement of vehicular, pedestrian and other traffic by means of signs and notices designated and erected by it, and
- (b) Designate and erect other signs and notices governing and prohibiting activities that are provided for in this Bylaw.

SECTION 15 ADMINISTRATION

15.1 For the purpose of administering and enforcing this Bylaw, a Park Officer may:

- (a) Enter on and inspect any land, road structure or work in a park;
- (b) Order the repair, alteration, improvement, evacuation or removal of or addition to any unauthorized structure or work in a park;
- (c) Order any person in a park to cease or refrain from any action, omission or conduct that in the opinion of the Park Officer is dangerous to life or property or detrimental to the use and enjoyment of the park by other persons;
- (d) Require any person in a park to inform a Park Officer of:
 - i. the name, and address of the person, and
 - ii. any fact or intention relating to the use of the park by that person;
- (e) Remove from a park:
 - i. any person making unauthorized use of the park,
 - ii. any person failing to comply with any provisions of this Bylaw, and
 - iii. any person creating a nuisance or disturbance or committing a trespass

or any undesirable act.

15.2 Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Should any section of this Bylaw be found to have been improperly enacted for any reason, then such section apart shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

SECTION 16 FEE RATES FOR USE OF CAMPGROUNDS

16.1 Fees pursuant to this Bylaw shall be paid in accordance with the Fee Schedule Bylaw.

SECTION 17 CONTRAVENTIONS

17.1 The Municipality or Park Officer may cancel or suspend a permit issued under this Bylaw if the permit holder contravenes this Bylaw, or any terms or conditions to which the permit is subject.

17.2 Penalties shall be applicable as per the Mackenzie County Fee Schedule Bylaw in place at the time of the offence.

17.3 A Park Officer may commence a summons or offence notice in the form of a violation ticket or long information for the contravention. A Park Officer may serve upon such a person a violation ticket allowing payment of a specified penalty in the amount prescribed in the Fee Schedule Bylaw in lieu of prosecution for the offence.

17.4 Violation tickets shall be issued in accordance with the Provincial Offences Procedure Act.

SECTION 18 EFFECTIVE DATE

18.1 This Bylaw rescinds Bylaw 796-11.

18.2 This Bylaw shall come into full force and effect upon third and final reading.

READ a first time this 10th day of May, 2016.

READ a second time this 10th day of May, 2016.

READ a third time and finally passed this 10th day of May, 2016.

(original signed)

Bill Neufeld
Reeve

(original signed)

Joulia Whittleton
Chief Administrative Officer