

TOWN OF FORT SASKATCHEWAN

BYLAW NO. 1952

BEING A BYLAW OF THE TOWN OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE VARIOUS OFFICERS AND EMPLOYEES OF THE TOWN OF FORT SASKATCHEWAN TO EXERCISE AND CONTROL THE USE OF PARKLANDS AND OPEN SPACE OPERATED FOR THE BENEFIT OF THE CITIZENS OF FORT SASKATCHEWAN.

WHEREAS pursuant to Section 213 of the Municipal Government Act, Chapter M-26 of the R.S.A. 1980 and amendments thereto provides that the Council of the Town of Fort Saskatchewan is empowered to enact bylaws respecting the control and operation of parks, campgrounds, athletic grounds and exhibition grounds; and

WHEREAS the Town of Fort Saskatchewan deems it desirable in the public interest to exercise and control the use of Parklands and Open Space operated for the benefit of the citizens of Fort Saskatchewan; and

WHEREAS it is the intent of this bylaw to control the use of Parklands and Open Space operated by the Town within the limits of the Town; and

NOW THEREFORE the Municipal Council of the Town of Fort Saskatchewan in the Province of Alberta duly assembled enacts as follows:

PART I

The bylaw shall be cited as the Town of Fort Saskatchewan Open Space Bylaw.

PART II

DEFINITIONS:

- 1) "Active Game" shall include any physical activity by one or more persons that the Community Services Department may consider damaging to grass, flowers and trees, shrubs, buildings or structures, and without limiting the general intent of the foregoing an active game shall include football, baseball, fastball, volleyball, badminton, golf, rugby, lacrosse and hockey.
- 2) "Bylaw Officer" shall mean the Bylaw Officer of the Town.
- 3) "Community Services Department" shall mean the Community Services Department of the Town.
- 4) "Council" means the Council of the Town.
- 5) "Employee" means any person employed by the Town's Community Services Department.
- 6) "Open Space and Parkland" shall mean every recreational area owned or controlled by the Town whether such parkland is improved in whole or in part or remains in its natural state but shall include river valleys, ravines, and other neighbourhood beautification areas and publicly maintained areas that are administered by the Town including playing fields, ski and toboggan slopes, hills, ski tows and anything incidental to their use, such as all park furniture including benches, picnic tables, fire pits, trees and shrubs.
- 7) "Open Space Supervisor" shall mean the Open Space Supervisor of the Town.
- 8) "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a special constable or a member of the patrol division of the Department of the Solicitor General.
- 9) "Town" means the Corporation of the Town of Fort Saskatchewan or any area contained from time to time within the boundaries of the Town of Fort Saskatchewan.

PART III

SPECIFIC PROVISIONS:

Parks and their use thereof:

- 1) No person within the confines of the Park shall:
 - a) discharge or cause to be discharged fireworks of any type without the approval of the Community Services Department
 - b) throw or cast any stone or other missiles
 - c) use any type of golfing equipment without the approval of the Community Services Department
 - d) cut, break, bend, climb upon, or in any way injure or deface any turf, tree, shrub, hedge, plant, flower, park ornament, building, playground equipment or other installation
 - e) plug, tamper with or in any way damage any plumbing, lighting, heating or the fixtures.
 - f) start any fire or permit any person under his control to start any fire except in fireplaces provided therein for that purpose, unless written permission is obtained from the Community Services Department
 - g) walk upon any lawn or garden where signs are posted prohibiting persons from doing so, nor ignore any sign or signal lawfully erected for the control of pedestrians or vehicular traffic.
 - h) distribute any handbills or circulars nor post, place or display any placard, notice, paper, advertising device or publicity matter of any kind without written consent of the Community Services Department except such notices that are erected by civic departments dealing with Recreation, Traffic Control, Public Health or Park Safety.
 - i) use or permit the use of any advertising vehicle of the type described in the Town Licensing Bylaw without the written consent of the Community Services Superintendent
 - j) erect, build or locate or permit the erection, building or locating in any park of any trailer, shelter or other building or any tent or other shelter without first having obtained written consent of the Community Services Department.

Camping in those areas designated for such activity and for a period of time as is posted in those areas is exempt from this clause.
 - k) other than an authorized employee of the Town, dig in the earth of any park nor remove any trees, rock or any other matter that is fixed or growing from within the park.
 - l) conduct a procession, drill, parade, political or religious gathering or other public meeting except when organized by the Town (or controlled) in any park unless a written permission of the Community Services Department has first been obtained.
 - m) picnic in areas of parks designated for specialized uses or for special events
 - n) park any vehicle in a park except in those areas designated for that purpose, nor drive any vehicles on any part of the park other than the roadways intended for vehicle use.

- o) carry or discharge any firearms, air gun, sling shot, bow, cross-bow, catapult or other weapon or dangerous toy.
- 2) All parks within the Town shall be closed to the public from 11:00 p.m. each evening until 8:00 a.m. the following morning provided nothing herein contained shall be deemed to prohibit the use of the highway or any roadway in the park.
- 3) No person shall plant trees or shrubs in any park without first obtaining written permission of the Community Services Department.
- 4) No person shall place any trees on any Town boulevard or on any street, lane or public place without first obtaining the consent of the Community Services Department.
- 5) The Open Space Supervisor may remove, transplant or cut down any trees planted or growing on any boulevard of any street, lane or other public place.
- 6) No person shall transport goods or chattels over or place or leave chattels upon any boulevard or within a park unless such boulevard or park is protected from damage.
- 7) No person shall ride or drive any horse or other animal or drive or propel or permit to be driven any vehicle or mode of conveyance on any boulevard, grass, plot or other open space, nor drive any animal on any path or other roadway allocated for pedestrian traffic only provided, however, the bicycles, invalids chairs and childrens carriages may be allowed on footwalks to such an extent and in such a manner that shall not interfere with the free use of such walks by pedestrians. Bicycle users shall yield the right of way to all other footpath traffic.
- 8) No person shall ride or drive any horse or animal or propel any vehicle in, upon or along any driveway at any rate of speed not consistent with the safety and due regard to all other traffic.
- 9) The Community Services Department, at any time it deems necessary, may temporarily close any park, open space or public facility or any portion thereof to public use.
- 10) The Community Services Department may at any time cause a sign to be placed containing the words "No Active Games" on those parks which in the opinion of the Department may be damaged by active games and after posting this sign no person shall play or engage in any active games in or on the park on which the "No Active Games" sign has been located. In addition to the above, the Community Services Department may cause a sign to be placed restricting a particular active game, which in the opinion of the Department may be considered dangerous to surrounding property, open space and/or persons.

PART IV

GENERAL PROVISIONS

- 1) No person shall play any games or engage in any recreational activity within a park except upon such portion that is thereof specially allocated or designated for that purpose.
- 2) Persons using any structure, parkland or public facilities do so at their own risk and the Town does not warrant such areas to be safe for use at all times.
- 3) The Community Services Department shall have the right to close any parkland, public facility or structures by posting of signs and such signs shall designate "closed temporarily", "closed until next season", "out of order", and such other forms of signs as deemed appropriate by the Community Services Department.

- 4) Any employee of the Town, where any damage has been caused by any person or breach of any regulation herein contained, or any other regulation of the Town, may with a peace officer, take such person into custody and penalties of this bylaw or any other relevant bylaw of the Town shall be applied.
- 5) Whenever the masculine or singular is used herein, it shall import the feminine or the plural as the circumstances may require.
- 6) The Community Services Department shall schedule the use of all parkland public facilities or structures providing said scheduling is not inconsistent with this bylaw or any other bylaw of the Town.

PART V

SEVERANCE

- 1) Each section of the bylaw shall be read and construed as being separate and severable from each other section of this bylaw. Furthermore, should any section or part of this bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the bylaw and the bylaw remaining after such severance shall be effective and enforceable.

PART VI

PENALTIES

- 1) Any person who contravenes the provisions of this bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) plus the cost of any inherent damage or to the provision of restitution equal to the value of the fine and the value of any inherent damage through a practical means agreed to by the Community Services Department.
- 2)
 - a) A violation tag or ticket may be issued by a Peace Officer or Bylaw Enforcement Officer to a person who is believed to have violated a provision of this bylaw.
 - b) The violation tag or ticket shall be issued by personally serving it upon the alleged offender, by leaving it at the residence of the alleged offender, or by sending it by registered mail to the residence of the alleged offender.
- 3)
 - a) A violation or ticket may provide for payment to the Town or the establishment of restitution within fourteen (14) days of the date of issuance of the violation tag or ticket.
 - b) Should a violation tag or ticket be issued pursuant to 2 (a) above and should payment be made or the establishment or restitution be accomplished fourteen (14) days of issuance of the violation tag or ticket, such payment or establishment of restitution shall be accepted in lieu of prosecution for the offence.
 - c) Should a violation tag or ticket be issued pursuant to 2 (a) above and should payment not be made or restitution not made within fourteen (14) days of the date of issuance of the violation tag or ticket, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and the information shall be laid before a provincial judge and prosecution for the alleged offence shall proceed as though no violation tag or ticket had ever been issued.

- 4) a) Should a violation tag or ticket be issued pursuant to 2 (a) above, the amount for the first offence will be \$ 100.00 plus the cost of any inherent damages. The cost of the second and same offence, should it occur within six months of the first and same offence will be \$ 200.00 plus any inherent cost. The cost of the third and same offence will be \$ 300.00 plus any inherent costs and so on up to a maximum of \$ 1,000.00.
- b) Any person who is issued a violation tag or ticket for contravention of a provision of this bylaw shall immediately cease and desist from continuing the action for which the violation tag was issued. If the action continues, or is allowed to continue, a second summons may be issued for double the fine of the first summons up to a maximum of \$ 1,000.00.

This bylaw repeals Bylaw No. 1458.

This Bylaw shall come into effect on final passing thereof.

READ a first time in Council this 23 day of JANUARY 1984 A.D.
 READ a second time in Council this 23 day of JANUARY 1984 A.D.
 READ a third time in Council this 27th day of FEBRUARY 1984 A.D.

Deputy Mayor

Secretary-Treasurer

TOWN OF FORT SASKATCHEWAN			
APPROVED	DATE	INTL.	
S.T.	Legal & Form	2/2/84	P.B.
Dep't	Comm.	2/2/84	P.B.
Comm.	Principals	2/2/84	P.B.

CITY OF FORT SASKATCHEWAN

BYLAW NO. C25-91

BEING A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA AMENDING BYLAW NO. 1952 TO EXERCISE AND CONTROL THE USE OF PARKLANDS AND OPEN SPACE OPERATED FOR THE BENEFIT OF THE CITIZENS OF FORT SASKATCHEWAN.

WHEREAS the City of Fort Saskatchewan deems it desirable in the public interest to exercise and control the use of Parklands and Open Space operated for the benefit of the citizens of Fort Saskatchewan; and

WHEREAS it is the intent of this bylaw to control the use of Parklands and Open Space operated by the City within the limits of the City;

NOW THEREFORE the Municipal Council of the City of Fort Saskatchewan in the Province of Alberta duly assembled enacts as follows:

1. That Part III, Section 1 of Bylaw No. 1952 be amended by deleting the words "No person within the confines of the Park shall:" and replacing it with the following:
 1. No person within the confines of the open space and parkland shall;
2. That a new Section 1, Subsection (p); in Part III of Bylaw No. 1952 be added as follows:
 - (p) subject to Part III, Section 2, loiter in open space and parkland or be present without lawful excuse within the open space and parkland between the hours the open space and parkland is closed to the public in the evening until the hours the open space and parkland opens the following morning.
3. That Part III, Section 2 be deleted and replaced with a new Part III, Section 2 as follows:
 2. All open space and parkland shall be closed to the public from 11:00 p.m. each evening until 6:00 a.m. the following morning provided nothing herein shall be deemed to prohibit the use of a highway, as defined in the Highway Traffic Act (RSA 1980-CH-7 as amended) in the open space and parkland.
4. That Part III, Section 9 be deleted and replaced with a new Part III, Section 9 as follows:
 9. The Community Services Department may temporarily close to the public any open space or parkland or public facility or any portion thereof, for maintenance, construction or special event purposes or for any purpose or at any time it deems necessary.
5. This Bylaw shall come into effect on final passing thereof.

READ a first time in Council this 23rd day of SEPTEMBER A.D., 1991.

READ a second time in Council this 23rd day of SEPTEMBER A.D., 1991.

With unanimous consent of all members present, Bylaw No. C25-91 was presented for third reading.

READ a third time in Council this 23rd day of SEPTEMBER A.D., 1991.

CITY OF FORT SASKATCHEWAN			
APPROVED	DATE	INT'L	
S.T.	Legal & Form	18/9/91	RES
Dep't	Content	18/9/91	
ACTING Comm	Principle	18/9/91	

MAYOR

CITY CLERK

CITY OF FORT SASKATCHEWAN

BYLAW NO. C27-94

BEING A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA AMENDING BYLAW NO. 1952 TO EXERCISE AND CONTROL THE USE OF PARKLANDS AND OPEN SPACE OPERATED FOR THE BENEFIT OF THE CITIZENS OF FORT SASKATCHEWAN.

WHEREAS, Bylaw No. 1952 provides for regulating and controlling the use of Parklands and Open Spaces; and

WHEREAS, it is desirable to make amendments to the Bylaw to regulate and control bicycling and skating on the pathways.

WHEREAS, it is desirable to make amendments to the Bylaw to regulate and control tobogganing on Parklands and Open Spaces.

NOW THEREFORE, the Council of the City of Fort Saskatchewan in the Province of Alberta duly assembled enacts as follows:

1. That a Part II, Definitions of Bylaw No. 1952 be amended by adding:
 - 10) "BICYCLE" shall mean a bicycle as defined in the Highway Traffic Act R.S.A. 1980 c. H-7 as amended, (hereinafter refer to as the "Highway Traffic Act");
 - 11) "VEHICLE" shall mean a vehicle as defined in the Highway Traffic Act R.S.A. 1980;
 - 12) "PATHWAY" shall include any multi-use path whether of concrete, asphalt, gravel, dirt, grass, or shale surface, or as defined in the Highway Traffic Act R.S.A. 1980;
 - 13) "PERSON" shall mean any corporation, firm, partnership association, or registered company, as well as a natural person;
 - 14) "SKATE or SKATING" shall mean skateboarding or any form of wheeled skating;
 - 15) "SKIING" shall mean dryland, downhill, and cross-country skiing.
 - 16) "TOBOGGAN" shall mean a sled or any device or object used for sliding on a flat or sloped surface.

2. That new Sections 11, 12 and 13 be added as follows to Part III of Bylaw No. 1952:

11. PATHWAYS

Any person using a pathway shall:

- i) Travel each pathway, using extreme caution and attention, to avoid colliding with other users;
- ii) be considerate of other users on the pathway;
- iii) keep to the right of centre except:
 - a) when passing other users traveling the same direction; or
 - b) when turning left off the pathway onto an intersecting road or pathway;
- iv) give advance warning of the intention to pass another user by calling out, using a bell or horn or other warning device;
- v) yield the right-of-way to other users on the pathway before entering;
- vi) use caution when entering the pathway;
- vii) yield the right-of-way to slower moving users;
- viii) follow the direction of all posted signs and devices on pathways;
- ix) not enter or travel on a pathway where signs prohibit use.

12. BICYCLES, SKATING AND SKIING

- i) No person shall bicycle, skate or ski within any open space area or in any portion of an open space area where it is prohibited;
- ii) no person shall ride a bicycle within any open space area unless such bicycle is equipped with one of the warning devices referred to in the Highway Traffic Act.
- iii) all bicyclists, skaters or skiers on pathways shall:
 - a) yield to the right-of-way of other users;
 - b) travel in single file except to pass other cyclists traveling the same direction;
 - c) at all times, maintain control and exercise due care and attention, having due regard for the safety of others on the pathways.

13. TOBOGGAN

- i) No person shall toboggan within any open space area or in any portion of an open space area where it is prohibited

3. This Bylaw shall come into effect on final passing thereof.

READ a first time in Council this 28th day of NOVEMBER A.D., 1994.

READ a second time in Council this 28th day of NOVEMBER A.D., 1994.

With unanimous consent of all members present, Bylaw No. C27-94 was presented for third reading.

READ a third time in Council this 28th day of NOVEMBER A.D. 1994.

CITY OF FORT SASKATCHEWAN			
APPROVED		DATE	INITIALS
City Clerk	Legal & Form	11/28/94	RE
Dep't	Content	11-23-94	GL
Comm	Principals	24/11/94	AB

Mayor

Acting City Clerk