

**TOWN OF BEAUMONT
BYLAW #737-09**

**A BYLAW OF THE TOWN OF BEAUMONT IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF REGULATING THE USE OF PUBLIC PARKS AND
FACILITIES WITHIN THE TOWN OF BEAUMONT.**

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time provides the Council of the Town of Beaumont with the authority to pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public;

NOW THEREFORE, the Council of the Town of Beaumont, in the Province of Alberta, duly assembled hereby enacts as follows:

SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as the Town of Beaumont “Parks and Facilities Bylaw”.

SECTION 2 – DEFINITIONS

- 2.1 “CAO” means the Chief Administrative Officer of the Town or his delegate.
- 2.2 “Campground” means a Park or portion of a Park that has been designated by the Town where overnight camping is permitted.
- 2.3 “Council” means the Council of the Town of Beaumont.
- 2.4 “Dog” means either the male or female of any domesticated canine species.
- 2.5 “Domestic Animal” means any animal, other than a Dog or livestock, which is kept as a pet.
- 2.6 "Emergency Vehicle" means:
- a. A vehicle operated by a police force;
 - b. A firefighting or other type of vehicle operated by a fire protection service;
 - c. An ambulance by a Person or organization providing ambulance services;
 - d. A vehicle operated as a gas disconnection unit of the public utilities;
 - e. A vehicle designated as an emergency response unit, pursuant to the regulations under the Traffic Safety Act.

- 2.7 “Facility” or “Facilities” means any structure(s) or building(s), title to which is vested in the name of the Town.
- 2.8 “Livestock” means horses, cattle, swine, donkeys, mules, oxen, sheep, goats, and furbearing animals raised in captivity for pelts.
- 2.9 “Manager” means the Manager of the Town of Beaumont’s Planning & Engineering Department.
- 2.10 “Motor Vehicle” means
- (i) a vehicle propelled by any power other than muscular power, or
 - (ii) a mo-ped;
- but, does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;
- 2.11 “Municipal Government Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.12 “Off-Highway Vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
- a. Four wheel drive vehicles,
 - b. Low pressure tire vehicles,
 - c. Motorcycles and related 2-wheel vehicles,
 - d. Amphibious machines,
 - e. All terrain vehicles,
 - f. Miniature motor vehicles,
 - g. Snow vehicles,
 - h. Mini-bikes, and
 - i. Any other means of transportation that is propelled by any power other than muscular power or wind, but does not include motor boats.
- 2.13 “Park” means any property, whether developed or not, that is owned, controlled or maintained by the Town or otherwise open to the public, and is:

- a. Specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, Facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the Park, but does not include golf courses;
 - b. Any land acquired by the Town as municipal reserve, school reserve, municipal and school reserve, public utility lots or environmental reserve as those terms are defined in the Municipal Government Act;
 - c. Any land designated by Council as a Park or recreational area for the purposes of this Bylaw; or
 - d. Any land developed or designated by the Town as a pathway in its trail system;
- 2.14 “Peace Officer” means a Police Officer, Community Peace Officer Level 1 & 2, or Bylaw Enforcement Officer.
- 2.15 “Person” includes an individual, corporation, firm, partnership, association or body corporate.
- 2.16 “Provincial Offences Procedure Act” means the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.17 “Roadway” means that part of a roadway intended for use by vehicular traffic and includes, but is not limited to any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- a. A sidewalk, including a boulevard adjacent to the sidewalk,
 - b. A ditch, if the ditch lies adjacent to and parallel with the roadway; and,
 - c. If a roadway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be.
- 2.18 “Storm Drainage Collection System” means any system of sewers, valves, fittings, pumping stations, appurtenances and Storm Water Management Facilities that are used to collect storm drainage, up to and including the service connection;
- 2.19 “Storm Water Management Facility” means an area so designated and includes any man-made pond that is used to gather and store rainfall and excess surface water runoff as part of the Storm Drainage Collection System for the Town.

- 2.20 “Supervisor” means the Parks & Facilities Supervisor of the Town.
- 2.21 “Town” means the Town of Beaumont.
- 2.22 “Town Officer” means any permanent employee of the Town of Beaumont and any Peace Officer.
- 2.23 “Vegetation” includes all trees, shrubs, plants, flowers and grass, or all ground cover, whether it is in its wild or natural state, or has been planted.
- 2.24 “Violation Ticket” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act.

SECTION 3 – APPLICATION

- 3.1 This Bylaw shall apply to all Parks in the Town, subject to any exceptions provided in any Statute of the Province of Alberta or any agreement entered into by the Town affecting any Park or part thereof.

SECTION 4 – PERMISSION AND USE

- 4.1 Notwithstanding any other provision of this Bylaw, a Person may carry out any activity in a Park, otherwise regulated, restricted or prohibited by this Bylaw, if:
- a. a permit has been issued by the CAO for the Town specifically allowing such activity;
 - b. the activity takes place in an area designated, by the CAO for the Town for such activity; or
 - c. the activity is specifically permitted by signs posted by the Town in the Park.
- 4.2 A permit is not valid unless it is in writing and signed by the CAO;
- 4.3 No Person shall contravene any term or condition of a permit issued by the CAO pursuant to this Bylaw.
- 4.4 A Person who holds a permit issued pursuant to this Bylaw, shall have the permit available for review and inspection at all times when exercising the rights granted under the permit and shall produce the permit upon the demand of a Peace Officer or Town Officer.
- 4.5 No Person shall interfere with the use and enjoyment of any Person holding a valid and subsisting permit during the time and in the areas authorized by the permit.

- 4.6 Any Person who relies on a permit as permitting an activity that is otherwise regulated, restricted or prohibited by this Bylaw has the onus of proving that they were the holder of a valid and subsisting permit.
- 4.7 Any permit issued pursuant to this Bylaw is only valid for the period of time for which it was granted.
- 4.8 The CAO may determine, at his sole discretion, whether to issue a permit and may issue such a permit in accordance with the power and authority provided pursuant to Section 13.2 of this Bylaw.

SECTION 5 – ACCESS AND HOURS

- 5.1 No person shall enter or be in a Park:
 - a. between the hours of 11:00 p.m. and 5:00 a.m. between which hours the Park shall be considered closed for the purposes of this Bylaw; or
 - b. at any other time when an area of a Park or a Park is closed as marked by posted sign.
- 5.2 The CAO may alter the hours related to when a Person shall not enter or be in the Park, either temporarily or permanently, and where so ordered, a sign shall be posted to that effect and for the purposes of this Bylaw, the Park shall be considered closed between those hours.
- 5.3 The CAO may temporarily close a Park or an area of Park to the public and where so ordered, a sign shall be posted to that effect.
- 5.4 Any person found in a Park or an area of a Park that is closed may be asked to leave by a Peace Officer and may be issued a Violation Ticket.
- 5.5 No person shall be in violation of this Section if they are:
 - a. Attending a function or event approved by the CAO; or
 - b. Using a highway, roadway, sidewalk or pass way as a thoroughfare to access a location outside of a Park.

SECTION 6 – PROHIBITED ACTIVITIES

Waste & Litter

6.1 While in a Park, no Person shall:

- a. dispose of garbage, litter or refuse of any kind unless such material is placed in receptacles provided for the express purpose of collecting such material;
- b. urinate or defecate except in a Facility provided for that purpose; or
- c. deposit grass clippings, dirt, rubble or other such material.

Vegetation

6.2 While in a Park, no Person shall:

- a. dig, destroy, remove or otherwise interfere with or use for any improper purpose, any Vegetation in a Park;
- b. plant any Vegetation in a Park unless a valid and subsisting permit issued pursuant to this bylaw has been granted by the CAO;
- c. walk, cross, ride or otherwise traverse across any Vegetation where such conduct is prohibited by posted signs;
- d. stand, sit, walk, cross, ride or otherwise traverse across, any planter, garden, or flower or shrub bed whether or not actually containing vegetation; or
- e. dig, destroy, remove or otherwise interfere with any mineral substance including but not limited to, soil, sand, gravel or rock.

Structures

6.3 While in a Park, no Person shall:

- a. unless allowed by a valid and subsisting Permit issued pursuant to this Bylaw, set up or erect any form of temporary abode or structure or camp except in an authorized Campground;
- b. dig, excavate or conduct any construction or building operation unless a valid and subsisting Permit has been issued pursuant to this Bylaw by the CAO; or
- c. mark, deface, climb, destroy or otherwise interfere with any sign, fence, building, wall, bench, exhibit facility, park or street furniture, or any other property that the Town has, or has caused to be erected, placed or developed within a Park.

Dangerous Activities

6.4 No Person shall engage in an conduct or activity in a Park which may:

- a. injure any other Person in a Park;
- b. in the opinion of a Peace Officer, unreasonably disturb the use or enjoyment of any other Person in a Park;
- c. damage a Park; or
- d. be inconsistent with the purpose of a Park.

6.5 While in a Park, no Person shall:

- a. swing a golf club;
- b. propel a golf ball or plastic golf ball in any manner;
- c. engage in any form of archery;
- d. cast, throw, or otherwise launch any stones, lawn darts, missiles, model rockets, or any objects which a Peace Officer, in his or her sole discretion, determines is dangerous;
- e. discharge, ignite or fire any fireworks, fire crackers or explosives of any type;

except in an area designated for that purpose by the CAO or unless a valid and subsisting permit issued pursuant to this Bylaw by the CAO has been obtained for such activity.

Animals

6.6 Any Person, while in a Park, shall comply with the provisions of Beaumont's Animal Control Bylaw 602-04, as amended, repealed and/or replaced from time to time.

SECTION 7 – FIRE PREVENTION

7.1 No Person shall ignite or allow a fire to burn in a Park except in accordance with the Beaumont Fire Bylaw #675-06, as amended, repealed and/or replaced from time to time, and this Bylaw;

7.2 No Person shall ignite or allow a fire to burn in a Park except in a fire pit or other receptacle intended for such use and provided by the Town;

7.3 While in a Park, no Person shall fuel a fire with anything but seasoned wood or briquettes;

- 7.4 No person shall use a stove or other cooking device at any location within a Park other than a designated fire area and only when not otherwise prohibited by the Beaumont Fire Bylaw;
- 7.5 While in a Park, no Person shall:
- a. allow a fire, stove or cooking device to get out of control;
 - b. leave a fire, stove or cooking device unattended; or
 - c. allow a fire, stove or cooking device to burn after 11:00 p.m.
- 7.6 Every Person who has a fire in a Park shall ensure that the fire is completely extinguished, leaving only cold ashes or embers, prior to leaving the site of the fire.

SECTION 8 – VEHICLES

- 8.1 No Person shall drive or operate:
- a. a Motor Vehicle in a Park except on a public roadway; or
 - b. an Off-Highway Vehicle in a Park;
- except where the Person is a holder of a valid and subsisting permit issued pursuant to this Bylaw by the CAO which authorizes such activity.

SECTION 9 – BODIES OF WATER

- 9.1 No Person shall enter, wade, swim or skate in or upon any Storm Water Management Facility or any area which is part of the Town's Storm Drainage Collection System.
- 9.2 No Person shall operate a boat powered by a motor nor operate or launch any boat, canoe, kayak or similar craft upon any Storm Water Management Facility or any area which is part of the Town's Storm Drainage Collection System.
- 9.3 No Person shall enter, wade, swim or skate in or upon any body of water which flows through, is adjacent to or is located within a Park, unless such activity is specifically permitted by way of posted notice from the CAO, or a Permit has been issued pursuant to this Bylaw.
- 9.4 No Person shall operate a boat powered by a motor, except motorized model boats and those devices designed for use by a single individual which may be electric powered, unless such activity is specifically permitted by way of posted notice from the CAO, or a Permit has been issued pursuant to this Bylaw.

SECTION 10 – SALE OF GOODS & SERVICES

10.1 No person shall:

- a. Make available, offer or give away free goods or services;
- b. Make goods and services available for sale;
- c. Carry on any business of any kind or nature whatsoever or solicit for any business, trade or occupation;
- d. Place a sign or device of any kind advertising or publicizing any commercial venture or facility; or
- e. Place or leave any goods or merchandise in order to display the same for sale;

anywhere in a Park unless a valid and subsisting permit has been granted by the CAO or in an area specifically designated for such activity.

SECTION 11 – OFFENCES & PENALTIES

- 11.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to the specified penalty for that offence set out in the Schedule “A” of this Bylaw.
- 11.2 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

SECTION 12 – VIOLATION TICKETS

- 12.1 The Peace Officer is hereby authorized and empowered to issue Violation Tickets to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 12.2 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 12.3 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offences provided for in the set out at Schedule “A”.
- 12.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 12.3 and the *Provincial Offences Procedure Act*, the act of recording

constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of a specified penalty.

SECTION 13 – POWERS OF PEACE OFFICERS & THE CAO

- 13.1 For the purposes of inspection and enforcement under this Bylaw, a Peace Officer is a designated officer of the Town.
- 13.2 Without restricting any other power, duty or function granted by this Bylaw, the CAO may:
- a. carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
 - b. delegate any powers, duties or functions under this Bylaw to a Town Officer;
 - c. establish forms for the purposes of this Bylaw;
 - d. establish areas where activities restricted by this Bylaw may be permitted;
 - e. establish rules of conduct governing any area of a Park;
 - f. establish the criteria to be met before a permit may be issued;
 - g. issue permits which such terms and conditions as are deemed appropriate, in the sole discretion of the CAO or his delegate, which conditions may include, without limiting the generality of the foregoing:
 - (i) proof of adequate insurance including the requirement that the Town be named as an additional insured;
 - (ii) the hours in which the activity permitted under the permit may be undertaken;
 - (iii) any safety precautions which may be required prior to commencing the activity permitted under the permit;
 - (iv) any notice or advertising requirements which may be necessary to ensure the activity permitted under the permit interferes with enjoyment of the park as little as possible;
 - (v) the specific location where the activity permitted under the permit may be undertaken; and
 - (vi) any other condition deemed necessary in the particular instance;

- h. amend, vary or revoke a permit at any time upon TWENTY FOUR (24) hours notice to the Person who holds the permit.

SECTION 14 – EXEMPTIONS

- 14.1 The employees, servants and agents of the Town, while acting in the course of their employment or duty, are exempt from the provisions of this Bylaw.

SECTION 15 – SEVERABILITY

- 15.1 Should any provision of this Bylaw be invalid, then the invalid provision shall be severed and the remainder of this Bylaw shall be maintained.

SECTION 16 – EFFECTIVE DATE

- 16.1 This Bylaw shall come into force upon receipt of third and final reading.
16.2 Upon third and final reading of this bylaw, Bylaw No. 735-08 is hereby repealed.

Read a first time in Council this 16th day of January, 2009.

Read a second time in Council, this 27th day of January, 2009.

Read a third and final time in Council, this 27th day of January, 2009.


MAYOR


MUNICIPAL CLERK

Bylaw 737-09
SCHEDULE "A"
SPECIFIED PENALTIES

SECTION	OFFENCE	MINIMUM SPECIFIED PENALTY
4.3	Contravene any term or condition of a valid permit.	\$250.00
4.4	Fail to have valid permit available for review and inspection/Fail to produce valid permit upon demand of a Peace Officer or Town Officer.	\$250.00
4.5	Interfere with the use and enjoyment of any Person holding a valid permit.	\$200.00
5.1(a)	Enter or be in a Park between the hours of 11:00 p.m. and 5:00 a.m.	\$100.00
5.1(b)	Enter or be in a Park at any other time when an area of a Park or a Park is closed as marked by posted sign.	\$100.00
6.1(a)	While in a Park dispose of garbage, litter or refuse of any kind (unless such material is placed in receptacles provided for the express purpose of collecting such material).	\$100.00
6.1(b)	While in a Park urinate or defecate (except in a Facility provided for that purpose).	\$100.00
6.1(c)	While in a Park deposit grass clippings, dirt, rubble or other such material.	\$100.00
6.2(a)	While at a Park dig, destroy, remove or otherwise interfere with or use for any improper purpose, any Vegetation in a Park.	\$250.00
6.2(b)	While at a Park plant any Vegetation in a Park without a valid permit.	\$250.00
6.2(c)	While at a Park walk, cross, ride or otherwise traverse across any Vegetation where such conduct is prohibited by posted signs.	\$250.00
6.2(d)	While at a Park stand, sit, walk, cross, ride or otherwise traverse across, any planter, garden, or flower or shrub bed whether or not actually containing vegetation.	\$250.00
6.2(e)	While at a Park dig, destroy, remove or otherwise interfere with any mineral substance including but not limited to soil, sand, gravel or rock.	\$250.00
6.3(a)	While at a Park set up or erect any form of temporary abode or structure or camp without a valid permit (except in an authorized Campground).	\$250.00

Bylaw 737-09
SCHEDULE "A"
SPECIFIED PENALTIES

SECTION	OFFENCE	MINIMUM SPECIFIED PENALTY
6.3(b)	While at a Park dig, excavate or conduct any construction or building operation without a valid permit.	\$250.00
6.3(c)	While at a Park mark, deface, climb, destroy or otherwise interfere with any sign, fence, building, wall, bench, exhibit facility, park or street furniture, or any other property that the Town has, or has caused to be erected, placed or developed within a Park.	\$250.00
6.4(a)	Engage in any conduct or activity in a Park which may injure any other Person in a Park.	\$100.00
6.4(b)	Engage in any conduct or activity in a Park which may disturb the use or enjoyment of any other Person in a Park.	\$100.00
6.4(c)	Engage in any conduct or activity in a Park which may damage a Park.	\$250.00
6.4(d)	Engage in any conduct or activity in a Park which may be inconsistent with the purpose of a Park.	\$100.00
6.5(a)	While in a Park swing a golf club without a valid permit (except in designated area).	\$100.00
6.5(b)	While in a Park propel a golf ball or plastic golf ball in any manner without a valid permit (except in designated area).	\$100.00
6.5(c)	While in a Park engage in any form of archery without a valid permit (except in designated area).	\$100.00
6.5(d)	While in a Park cast, throw or otherwise launch any stones, lawn darts, missiles, model rockets or any objects, which a Peace Officer, in his or her sole discretion, determines is dangerous without a valid permit (except in designated area).	\$100.00
6.5(e)	While in a Park discharge, ignite or fire any fireworks, fire crackers or explosives of any type without a valid permit (except in designated area).	\$200.00
7.1	Ignite or allow a fire to burn in a Park except in accordance with the Beaumont Fire Bylaw.	\$250.00
7.2	Ignite or allow a fire to burn in a Park except in a fire pit or other receptacle intended for such use and provided by the Town.	\$200.00
7.3	Fuel a fire with anything but seasoned wood or briquettes while in a Park.	\$200.00

Bylaw 737-09
SCHEDULE "A"
SPECIFIED PENALTIES

SECTION	OFFENCE	MINIMUM SPECIFIED PENALTY
7.4	Use a stove or other cooking device at any location within a park other than a designated fire area (only when not prohibited by the Beaumont Fire Bylaw – ie: Fire Ban).	\$200.00
7.5(a)	While in a Park allow a fire, stove or cooking device to get out of control.	\$200.00
7.5(b)	While in a Park leave a fire, stove or cooking device unattended.	\$200.00
7.5(c)	While in a Park allow a fire, stove or cooking device to burn after 11:00 p.m.	\$200.00
7.6	Fail to ensure a fire in a Park is completely extinguished, leaving only cold ashes or embers, prior to leaving the site of the fire	\$200.00
8.1(a)	Drive or operate a Motor Vehicle in a Park except on a public roadway without a valid permit.	\$200.00
8.1(b)	Drive or operate an Off-Highway Vehicle in a Park without a valid permit.	\$200.00
9.1	Enter, wade, swim or skate in, or upon any Storm Water Management Facility or any area which is part of the Town's Storm Drainage Collection System.	\$100.00
9.2	Operate a boat powered by a motor nor operate or launch any boat, canoe, kayak or similar craft upon any Storm Water Management Facility or any area which is part of the Town's Storm Drainage Collection System.	\$100.00
9.3	Enter, wade, swim or skate in, or upon any body of water which flows through, is adjacent to or is located within a Park, unless such activity is specifically permitted by way of posted notice from the CAO, or a Permit has been issued pursuant to this Bylaw. For the purposes of this section, a Storm Water Management Facility is not a body of water which flows through, is adjacent to or is located within a Park.	\$100.00

Bylaw 737-09
SCHEDULE "A"
SPECIFIED PENALTIES

SECTION	OFFENCE	MINIMUM SPECIFIED PENALTY
9.4	Operate a boat powered by a motor, excepting out motorized model boats and those devices designed for use by a single individual which may be electric powered and includes hip waders and floatation tube devices, in or upon any body of water which flows through, is adjacent to or is located within a Park, unless such activity is specifically permitted by way of posted notice from the CAO, or a Permit has been issued pursuant to this Bylaw. For the purposes of this section, a Storm Water Management Facility is not a body of water which flows through, is adjacent to or is located within a Park.	\$100.00
10.1(a)	Make available, offer or give away free goods or services anywhere in a Park without a valid permit (unless in an area specifically designated for such activity).	\$250.00
10.1(b)	Make available for sale goods or services anywhere in a Park without a valid permit (unless in an area specifically designated for such activity).	\$250.00
10.1(c)	Carry on any business of any kind or nature whatsoever or solicit for any business, trade or occupation anywhere in a Park without a valid permit (unless in an area specifically designated for such activity).	\$250.00
10.1(d)	Place a sign or device of any kind advertising or publicizing any commercial venture or facility anywhere in a Park without a valid permit (unless in an area specifically designated for such activity).	\$150.00
10.1(e)	Place or leave any goods or merchandise in order to display the same for sale anywhere in a Park without a valid permit (unless in an area specifically designated for such activity).	\$250.00