

CONSOLIDATION OF A BYLAW OF THE CITY OF LETHBRIDGE
TO PROVIDE REGULATIONS OF PUBLIC PARKS

B/L 5651
06/7/2010

WHEREAS Parks are an important resource for the health and vitality of the City of Lethbridge,

AND WHEREAS it is essential to protect these assets for current and future residents of the City.

AND WHEREAS the City of Lethbridge is committed to ensuring the provision of parks and amenities which enhance the quality of life for Lethbridge residents through rest, relaxation, recreation, exercise, pleasure and enjoyment.

AND WHEREAS the City of Lethbridge provides through a permit system the ability for persons to expand park usage in a safe and controlled fashion.

AND WHEREAS the Municipal Government Act of Alberta empowers the City of Lethbridge to pass Bylaws.

NOW THEREFORE THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, HERBY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the “Parks Bylaw” and applies to all Parks owned or operated by the City of Lethbridge.

DEFINITIONS

2. In this Bylaw specific words have the following meanings.

(a) “Animal” means any living being excluding plants and people. Dogs will be treated separately under their own heading in this Bylaw.

(b) “Athletic Field or Facility” means an outdoor playing surface or structure owned by or operated by the City of Lethbridge, or made available to the public by a formal agreement, booking permit or drop in program. This includes:

i. Cycling facilities

ii. Skate Parks

iii. Volley ball, tennis, basketball or shinny courts

iv. Fields used for sports such as football, baseball, golf, rugby, cricket, lacrosse, soccer, disk sports, track and field

v. Pathways

DEFINITIONS
CONT'D.

- vi. Picnic Facilities or Shelters
 - vii. Recreation Facilities
 - viii. Maintenance Facilities
 - ix. Kiosks and Viewing Features
 - x. Shooting Ranges
 - xi. Playgrounds
-
- (c) “Business Activity” means the sale or vending of goods or services.
 - (d) “Bicycle” as defined under the most current Traffic Safety Act of the Province of Alberta.
 - (e) “Bylaw Enforcement Officer” means a person appointed by the City pursuant to provisions of the Municipal Government Act, R. S. A. 2000
 - (f) “Camp” means to live in or take up either day or overnight residence in a Park.
 - (g) “City” means either the municipal corporation of the City of Lethbridge or the geographical boundary of the city limits.
 - (h) “City Manager” means the Chief Administrative Officer of the City or their designate.
 - (i) “Council” means the Mayor and Aldermen for the City of Lethbridge.
 - (j) “Designated Area” means any area defined for or constructed for a specific use.
 - (k) “Dog Walking Park” means a park designated where dogs are permitted off leash.
 - (l) “Equestrian Park” means a designated park where horses are permitted.
 - (m) “Livestock” means any farm animal.
 - (n) “Municipal Tag” means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the City.

- (o) “Officer” means a Bylaw Enforcement Officer or a member of the Lethbridge Police service.
- (p) “Park” means any designated area developed or not, that is owned, maintained, or controlled by the City which includes;
- (q) A municipal reserve, environmental reserve, community reserve, buffer strip or public utility lot.
 - i. Means pathways, floodways, buffer strips, walkways, and utility parcels.
 - ii. May include an “Athletic Field or Facility”.
 - iii. Means School Grounds for which a joint use agreement exists between the City and the School Board.
 - iv. Means lands designated under the “River Valley Area Redevelopment Plan”.
 - v. Means storm ponds or storm water retention areas either dry or wet.
 - vi. Means any garden.
- (r) “Permit” means the written permission, license, contract or approval form issued by the City Manager or their designate to perform a specific activity in a Park.
- (s) “Pathway” means any developed or marked path that was constructed by the City for the express purpose of moving people throughout the City.
- (t) “Playground” means the land on which the City has provided play apparatus.
- (u) “Provincial Court” means the Provincial Court of Alberta.
- (v) “Remain” means to stay in a park other than using the park for a transportation corridor.
- (w) “Vehicle” means:
 - i. Cars, trucks, boats, motorized water craft, sailing craft, all terrain vehicles, motorcycles, snowmobiles, motorized bicycles, motorized equipment designed for the transportation of people.
 - ii. Any mechanical device as defined under the Traffic Safety Act of the Province of Alberta.

- iii. Trailers, campers, non motorized boats or other towable vehicles
- iv. Does not include foot or hand powered conveniences or conveyances for persons with physical disabilities.

(x) "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act.

(y) "Watercraft" is defined as any personally propelled vehicle used in or on the water. Watercraft will also include any boat propelled by a motor, sail or electrical device.

3. Accessibility

No person shall enter any area of a park to which access by that person is prohibited by either, sign, regulation, or in cases where specific gender restrictions are in force.

4. Admissions

No group or person or business shall charge for services, entry, activity or programs or for admission to Parks unless they have the appropriate permit.

5. Animal Rules

No person shall:

(p) Allow any animal for which they are responsible to be in a Park unless the appropriate permit or licensed is granted.

(q) Allow animals in parks unless otherwise permitted by this Bylaw.

6. Assembly

No person shall sponsor or take part in any march, drill, parade, publicly advertised event, presentation, program, political or religious gathering or other ceremony unless they have a permit to do so.

7. Bicycles

No person shall ride a Bicycle:

(a) Except on pathways or facilities specifically set apart for that purpose.

- (b) Except on a maintained pathway, trail or road.
- (c) At an unreasonable rate of speed.
- (d) In such a fashion as to jeopardize the safety of other persons using the park.
- (e) In contravention of the Bicycle Bylaw.
- (f) In a Nature Reserve or Preservation area.

8. Boating

Boating is an accepted and encouraged activity on Henderson and Nicholas Sheran lakes for the purposes of nature appreciation, recreation, competition and fishing; however certain rules and regulations do apply:

No person shall:

- (p) Operate a windsurfer, motor boat or electric motorized boat on Henderson Lake, Nicholas Sheran Lake or a storm pond.
- (q) Store, moor or dock a boat on any city water body without a permit from the City to do so.
- (r) Enter any water body within the City with a boat that is not clean and free of weeds or debris that may transport alien flora or fauna to the ecosystem.
- (s) No water craft is permitted on storm ponds.

Exceptions:

- (t) Row boats, kayaks or person propelled water craft are permitted on Henderson Lake and Nicholas Sheran Lake.
- (u) Toy or small scale model boats.
- (v) This Bylaw does not apply to motor boats used by the City or approved by the City Manager.

9. Business

The City Manager may make regulations governing the sale of food items, goods or services in a park. These regulations will govern any associated advertising, marketing or vending of the product.

10. Camping

No person shall: unless allowed by permit:

(p) Camp in a Park

(q) Erect a tent or other structure in a Park

11. City Manager Rules

The City Manager has the authority at any time to develop rules and regulations that affect activities in parks. These may include closures or permission for events and activities.

12. Collection of Flora or Fauna

No person shall: Take samples of Flora or Fauna from a Park unless issued permission to do so.

13. Construction

No person shall: Erect or construct a structure, tent or building as outlined in this Bylaw without a permit.

14. Damages

No person shall:

(a) Remove, destroy, mutilate, deface or climb upon any equipment, building, structure, fixture, or chattel and without restricting the foregoing, any monument, vase, fountain, wall, fence, wire netting, vehicle, tools, gate, sign, seat, bench, exhibit, cage or ornament therein.

(b) Plug, tamper with, or in any way damage any plumbing, electrical, mechanical, fixture or structural facility asset.

(c) Cut, break, pull, bend or in any way injure or deface any turf, tree, shrub, hedge, plant, flower, or any park ornament.

(d) Walk, stand, sit on or injure in any way any flower bed or garden.

(e) Access or use any area where signs are posted prohibiting persons from doing so.

- (f) Dig in the earth or remove any type of plant material either planted or native to the area.

15. Dangerous Activities

No person shall:

- (a) Commit any action that could cause injury to a person or property.
- (b) Possess a firearm, bow and arrow, fireworks, dangerous weapon or cause a projectile to cause injury to a person or property in a park. Persons may discharge a firearm on a designated shooting range and only when a certified Range Marshall is present.
- (c) Use a paintball firearm in a park.
- (d) Modify land or vegetation that could cause injury to a person or property.
- (e) Engage in any stunt, reckless activity or operate any type of mechanical apparatus that could cause personal injury to oneself or a bystander or damage property as a result of the activity.

16. Dispute Resolution

Should a person be refused a permit for a Park related activity by city administration they may appeal the refusal either through the City Manager or City Council.

17. Dogs

No person shall permit a dog:

- (a) To be off leash except in specified Dog Walking Parks provided they stay within the boundary of the park and that their behavior is not such that they may injure any person, dog or wildlife.
- (b) To urinate or defecate on park equipment, play apparatus, athletic fields or picnic amenities.
- (c) To be within the constructed footprint of a playground or picnic site.
- (d) To be out of control.

(e) To be in a Nature Centre or Preservation area.

A permit may be issued granting permission for dogs to be off leash for the purposes of work, competition, special event or as part of a training class.

The Dog Control Bylaw shall apply in all other cases not previously mentioned.

18. Enjoyment

No person shall:

- (a) Obstruct the free use or enjoyment of any person using Parks.
- (b) Use or make blasphemous, vulgar, or inappropriate language or engage in any activity that would limit the peaceful enjoyment of persons using Parks.

19. Evictions

In addition to any penalties outlined in the Parks Bylaw any person who breaks a law of Canada or the Province of Alberta or City Bylaw in the Parks could be subject to any of the following sanctions.

- (a) Eviction
- (b) Suspension

The City Manager has the power in this area to invoke eviction or suspension.

20. Exceptions

The provisions of this Bylaw shall not apply to police, rescue personnel, Officer's employees, agents, or servants of the City when they are acting in the performance of their authorized or specified duties.

The City Manager may provide a permit for exceptions to any Bylaw for special events, functions or unique circumstances. Persons applying for any exceptions must have the permit with them at all times and be able to present them to any authority when the exception is taking place.

21. Facilities Closure

No person shall enter a park facility or related amenity when it is closed or outside the posted hours of operation.

22. Fees and Charges

City Council may approve from time to time Fees and Charges for a permit of use or admission to any Park.

23. Fine Schedules (Schedule A)

A person who is guilty of an offence is liable for a fine in an amount that is established in Schedule A.

24. Fish and Wildlife

All persons must abide by the Provincial and Federal Fish and Wildlife regulations as they apply to areas within the City of Lethbridge. For storm ponds or water bodies not specified in the Provincial or Federal regulations those regulations as outlined for Henderson Lake will apply universally throughout the City.

25. Fires

No person shall:

- (a) Start any fire except in constructed fire places, fire pits or wood stoves and in accordance with the posted rules governing such use.
- (b) Leave a fire unattended
- (c) Throw or place on the ground burning material.
- (d) Remove any stocked supply of wood for personal use except as it would be used according to the rules in a specified park area.
- (e) Start any fire in a park when a fire ban is in place.

26. Garbage/Litter

No person shall:

- (a) Deposit garbage or litter in any Parks except in garbage/litter receptacles provided by the City.

In addition to a fine any person may be held financially accountable for any cleanup incurred by the City.

27. Gas/Electric Powered Models

No person shall: Use models, hobby craft or any items powered by either gas or electricity that may limit the quiet enjoyment or safety of Parks users.

28. Hours of Use

No person shall:

- (a) “Remain” in any Park between the hours of 12.00 am and 4.30 am except those persons having obtained a booking permit where the hours of use are outlined on the permit.

29. Horses

No person shall Ride a Horse:

- (a) In an Equestrian Park other than on specified trails.
- (b) Or horse propelled vehicle on any park except with the written permission of the City Manager.

30. Ice

No person shall:

- (a) Make holes in the ice on any water body except for the purpose of ice fishing.
- (b) Make an ice fishing hole that shall exceed 12 inches in diameter between the top and bottom of the ice.
- (c) Skate except on approved designated areas.
- (d) Use an ice boat or ice windsurfer on any water body.

31. Liquor

No person shall:

- (a) Consume liquor in any Parks unless they have a permit for a designated facility and that they have received the appropriate

City permit and Provincial Liquor License for the date and time specified.

- (b) Be intoxicated when they enter or remain in any Parks.

32. Livestock

No person shall:

- (a) Permit livestock of any type owned or controlled by that person to enter into any Park unless they have a permit.

33. Maintenance Items

No person shall:

- (a) Access a park where there are restrictions on areas to support maintenance initiatives.
- (b) Not adhere to directions that are advertised, verbal, written or posted as it relates to the work being performed.

34. Motorized Equipment

No person shall:

- (a) Operate or park a motor vehicle or trailer in any Parks except on a designated roadway or parking lot.
- (b) Operate or park a motor vehicle or trailer in any Park where prohibited by a traffic control device.
- (c) Operate off road vehicles, snowmobiles, all terrain vehicles or any motorized transportation device in a park.
- (d) Exceptions will be made for personal motorized devices such as wheel chairs used by persons who have mobility impairments.
- (e) The City Manager may designate city staff, police and rescue personnel as well as persons under contract with the city to operate motorized equipment as part of their duties in a park.

35. Nature Reserves/Ecologically Sensitive Areas

The City Manager may designate any parks as Nature Reserves or Ecologically sensitive areas and may restrict public access or activity

to all or a portion of the said lands. In some cases specific limitations may be imposed that would be consistent with preservation and use of said lands.

36. Notices/Signs

All persons shall comply with all notices/signs or posted regulations that may be provided from time to time by the City as it affects the use by persons of its Parks.

37. Pathways

No person shall:

- (a) Use a pathway without due care and attention for consideration of other users.
- (b) Overtake another user without providing an audible signal either verbal or mechanical.
- (c) Approach an uncontrolled intersection without yielding the right of way.
- (d) Use a pathway at a rate of speed unsafe for the current conditions.
- (e) Operate a motorized vehicle.

38. Permits

Persons may carry out any activity on Parks otherwise restricted or prohibited by this Bylaw provided that:

- (a) A permit has been issued by the City for such an activity
- (b) The person conforms to the rules and conditions as described in their permit.
- (c) The activity conforms to the area designated by the City for such activity.
- (d) The activity is permitted by signage.
- (e) Another Bylaw of the City specifically permits the activity.
- (f) Payment is received for the permit based on the Community Services Fees and Charges Schedule.

- (g) Acquires in advance any other permits required to conduct the activity as outlined in the Permit.
- (h) They shall not contravene any term or condition contained in a permit issued by the City as per this Bylaw.
- (i) They shall not interfere or disrupt an activity or function for which a permit has been issued.
- (j) They shall not enter into a facility where a permit has been issued without permission of the permit holder.
- (k) Sell or offer any article of food, drink or merchandise or carry on any business unless they have a permit to do so.

Special Event Permits:

- (a) An application for a special event permit must be made as outlined in the annual “City Facility Booking Notices”.
- (b) Applications requiring liquor permits or other approvals must be made in advance of attaining a permit for the event.
- (c) An application for a permit may be covered by a fee outlined in the yearly Community Services Fees and Charges schedule.
- (d) The City Manager may at any time consult with the applicant regarding the nature of the event and may cancel the event should it be deemed unsuitable.

All organized sporting activities that may take place on a park or green strip will require a permit. The city may restrict use or close sporting facilities both to organized sports and the general public due to protection of the facility, maintenance, construction, repairs or special events.

39. Planting

No person shall:

- (a) Engage in planting or seeding of any type of material on a park without a permit.
- (b) Spray any pesticide or herbicide in a park.

40. Playgrounds

No person shall:

- (a) Use apparatus in any manner other than what it was designed for.
- (b) Smoke in the border of the playground apparatus.
- (c) Allow a dog to “Remain” within 10 meters of any playground.’
- (d) Alter or modify or construct any equipment.

41. Powers of Officers

All persons must comply with instructions, directives, permits plus verbal or written directions provided by police, rescue personnel, Officer’s employees, agents, or servants of the City when they are acting in the performance of their authorized or specified duties.

42. Restricted Access

The City Manager may prohibit access to Parks for the following reasons:

- (a) Where the City or agent of the City is conducting maintenance, repair work, construction, demolition, improvements or similar work.
- (b) Public access to the park or Parks would interfere with a person who has a permit to use the Parks.
- (c) Where the health and safety of users may be compromised.

43. Rules and Regulations

The City may at any time make rules and regulations governing the use or types of use of any Park which may be posted on site or filed at the office of the City Manager and the City Clerk if appropriate.

44. Seizure and Detention

The City Manager may direct the removal of any camping equipment or materials or apparatus in the Parks where no permit exists to allow for these items to be present. The City is under no obligation to replace or return any of the items removed.

45. Severability

Should any court or competent jurisdiction declare any section of this Bylaw to be invalid, it does not mean that the entire Bylaw is invalid therefore all remaining Bylaws would remain in force.

In the event there is a conflict between this Bylaw and any other Bylaw of the City, the items listed in this Bylaw shall be enforced.

Should a person violate any of the Bylaws listed the onus of proof that the actions had been approved by some authority lies with the person being charged.

46. Signage

No person shall within a Park:

- (a) Advertise or publicize any commercial venture, march, drill, parade, publicly advertised event, presentation, program, political or religious gathering or other ceremony unless they have a permit to do so.
- (b) Erect, place or attach any structure, sign, bulletin board, post, pole, or advertising device by any means unless they have a permit to do so.
- (c) Distribute any hand bills or circulars or advertising medium.
- (d) Use any audible advertising vehicle unless they have a permit to do so.
- (e) Place any sign on any plant material owned by the City.

47. Sporting Activities

No person shall:

- (a) Play golf except on a golf course or driving range
- (b) Play games or engage in sports where balls or projectiles may injure bystanders.
- (c) Charge for sporting activities, fitness or conditioning events unless they have a permit.
- (d) Tether, launch or land any form of balloon, similar airborne device without a permit.

(e) Operate a hang glider, ultra light aircraft or similar device in a park.

48. Snow and Refuse

No person shall deposit snow or refuse in Parks.

49. Staff

The provisions of this Bylaw do not apply to city staff and authorized contractors or agents when carrying out their normal duties or functions.

50. Swimming

No person shall swim, bathe or wade in Henderson Lake, Nicholas Sheran Lake any storm pond in the City.

51. Time

The Parks Bylaw shall come into force and take effect on the date the Bylaw is passed by City Council.

52. Violations

Where any Bylaw Enforcement Officer or Peace Officer believes that any person has committed a breach of any provision of this bylaw he may serve upon such persons a Municipal Tag or he may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the "Provincial Offences Procedure Act" Alberta.

52.1 A Municipal Tag or Violation Ticket shall be deemed to have been sufficiently served;

(a) if served personally to the accused; or

(b) if served by registered mail; or

(c) if left at the accused usual place of abode with an occupant thereof who appears to be at least eighteen (18) years of age; or

(d) where the accused is an association, partnership or corporation or if served by registered mail or if left with a person who appears to be at partnership or corporation.

- 52.2 Upon production of any such Municipal Tag or Violation Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified in Schedule “A”, to a person authorized by the City of Lethbridge or Province of Alberta to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution. If the person upon whom any such Municipal Tag or Violation Ticket is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.
- 52.3 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “A” of this Bylaw in respect of that provision.
- 52.4 Notwithstanding 52.3;
- (a) Where any person contravenes the same provision of this bylaw within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision, and
 - (b) Where any person contravenes the same provision of this Bylaw within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 52.5 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of no more than TEN THOUSAND (\$10,000.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- 52.6 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- 52.7 In the event of a prosecution of a young person if the "Youth Justice Act" Alberta sets a maximum fine that may be imposed against a young person which is lower than an amount stated in this Bylaw then the maximum amount stated in the "Youth Justice Act" shall apply.

53. Washrooms

No person shall urinate or defecate in a Park except in a public washroom or portable facility provided for that purpose.

54. Bylaw 3364 is hereby repealed.

55. This Bylaw will come into force and effect on the date of final reading.

City of Lethbridge
Bylaw 5651 Schedule A
Specified Amounts in Lieu of Prosecution

<u>Section</u>		
3	Accessibility- prohibited access to a facility	\$500.00
4	Admissions	\$500.00
5	Animal Rules	\$100.00
6	Assembly- no permit for a public event	\$300.00
7	Bicycles- off pathway use	\$100.00
8	Boating- illegal use of boat	\$100.00
10	Camping- no camping	\$100.00
12	Collection of Flora and Fauna	\$300.00
13	Construction- no permission	\$500.00
14	Damages- destroy or deface	\$500.00
15	Dangerous Activities- cause public safety issue	\$500.00
17	Dogs- lack of control	\$100.00
18	Enjoyment- reduce public enjoyment	\$100.00
21	Facilities Closure	\$500.00
24	Fish and Wildlife	\$500.00
25	Fires	\$500.00
26	Garbage and Litter	\$300.00
27	Gas/Electric Motors- restricted use	\$100.00
28	Hours of Use- Use between 12 pm and 5 am	\$100.00
29	Horses- no horse use	\$200.00
30	Ice- No access or oversized holes	\$100.00
31	Liquor- No person shall consume liquor in any park	\$100.00
32	Livestock- No person shall permit livestock in parks	\$300.00
34	Motorized Equipment- No motor vehicles	\$300.00
37	Pathway- lack or care and attention	\$300.00
38	Permits- No permit for activity	\$300.00

39	Planting- Non authorized planting	\$300.00
40	Playgrounds	\$300.00
46	Signage	\$100.00
47	Sporting Activities- Unauthorized sports	\$300.00
48	Snow and Refuse- Deposit of refuse/not cleaning	\$100.00
50	Swimming- No swimming	\$100.00
53	Washrooms- urinate or defecate in a park	\$100.00