

MUNICIPAL DISTRICT OF STARLAND NO. 47 BYLAW 1031

A Bylaw of the Municipal District of Starland No. 47, in the Province of Alberta, Canada, to provide for the control and operation of parks and campgrounds under the jurisdiction of the Municipal District of Starland No. 47.

WHEREAS, the Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta, 1980, as amended, grants authority to Council to pass bylaws respecting all matters pertaining to the control and operation of parks and campgrounds; and

WHEREAS, the Council of the Municipal District of Starland No. 47 have established parks and campgrounds; and

WHEREAS, the Council of the Municipal District of Starland No. 47 wishes to establish rules and regulations for the control and operation of its parks and campgrounds;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal District of Starland No. 47 in the Province of Alberta, duly assembled, enacts as follows:

1. That this bylaw may be referred to as the "Parks Bylaw."
2. That in this bylaw, the following definitions shall be apply:
 - a) "Aircraft" - includes any type of device designed to carry persons or objects through the air in powered or powerless flight.
 - b) "Animal" - means a domestic animal and includes an animal that is wild by nature but has been domesticated.
 - c) "Camping Accommodation Unit" means:
 - i) a tent
 - ii) a trailer
 - iii) a tent trailer
 - iv) a motor home
 - v) a van
 - vi) a truck camper
 - d) "Council" - means the Council of the Municipal District of Starland No. 47.
 - e) "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.
 - f) "Highway" - means a highway as defined in the Highway Traffic Act.
 - g) "Individual Campsite" - means a campsite in a park or campground designated as an individual campsite under this bylaw.
 - h) "Motor Vehicle" - means a motor vehicle as defined in the Highway Traffic Act.
 - i) "Off Highway Vehicle" - means an off highway vehicle as defined in the Off Highway Vehicle Act.
 - j) "Park" - means land designated as a park, campground or recreation area by the Council, and includes the Starland Recreation Area, Michichi Campground, McLaren Dam Campground, and the Morrin Bridge Campground.
 - k) "Park Officer" - means any person appointed as a Park Warden, Park Caretaker, or any other person necessary for the administration of this bylaw.

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- l) "Permit" – means a method of registering payment for a campsite, and includes a self registration envelope.
- 3. That Council may appoint Park Wardens, Park Caretakers and any other person, hereinafter referred to a Park Officers, necessary for the administration of this bylaw.
- 4. That those Police Officers or Special Constable, Wildlife Officers appointed under the Wildlife Act and the Royal Canadian Mounted Police have the same powers that are conferred on a Park Officer under this bylaw.
- 5. That for the purpose of administering 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 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, address and occupation of the person, and
 - ii) any fact or intention relating to the use by the person of the park;
 - e) Remove from a park:
 - i) any person making an unauthorized use of the park,
 - ii) any person failing to comply with any provisions of this bylaw, or
 - iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.
- 6. That if a motor vehicle, off highway vehicle, aircraft, 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 any prohibited area,a Park Officer may remove, store and dispose of this item in accordance with this bylaw.
- 7. That a Park Officer in the exercise and discharge of his powers and duties is a person employed for the preservation and maintenance of the public peace.
- 8. A Park Officer may seize any vehicle, off highway vehicle, aircraft, boat, trailer or any equipment, appliance or any other article or object that is being used in a park in contravention of this bylaw, or in contravention of any other act or the regulations made thereunder, whether it is found in the possession of the person alleged to have committed the contravention or not.
- 9. The Park Officer shall, on seizing any thing under Section 8,
 - a) give a receipt for it to the person, if any, having possession or custody of the thing, and
 - b) furnish a provincial judge with an Affidavit
 - i) stating that he has reason to believe that an offense has been committed in respect of the thing seized, and
 - ii) setting out the name of the person, if any, having possession or custody of the thing seized at the time it was seized.

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10. When a thing is seized under the authority of this bylaw, the Provincial Judge may:
 - a) order the thing seized to be confiscated to the Municipal District of Starland No. 47 when he is satisfied that its owner is unknown and that it has been used in connection with a contravention of this bylaw,
 - b) order the thing seized to be confiscated to the Municipal District of Starland No. 47 on a conviction for any offense under this bylaw, or
 - c) return the thing seized to the person from whom it is seized.
11. When a Provincial Judge returns something seized after a trial in which a not guilty plea was entered, the Provincial Judge may order the person to whom the article is returned:
 - a) to hold the thing as bailee for the Crown during the time limited for appeal, or extension thereof, and
 - b) to produce the thing if it is required in an appeal.
12. Every person who contravenes the provisions of this Bylaw is guilty of an offence and liable to the penalty as prescribed in Schedule "A" of this Bylaw or, on summary conviction to a fine not exceeding \$2,000.00 or imprisonment for a term of not more than 6 months or to both a fine and imprisonment.
13. If a motor vehicle, off highway vehicle, aircraft, boat or trailer is involved in a contravention of this bylaw, the owner of that motor vehicle, off highway vehicle, aircraft, boat or trailer is guilty of an offence and liable to a fine of not more than \$2,000.00 unless he proves to the satisfaction of the Court that at the time of the offense the motor vehicle, off highway vehicle, aircraft, boat or trailer was not being operated or used by him.
14. A person engaging in an activity under this bylaw shall pay the fee in respect to that activity that is required and set by the Council.
15. A person who enters a park shall comply with:
 - a) any lawful orders and instructions made or issued pursuant to this bylaw, and,
 - b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.
16. The Council may:
 - a) subject to the Highway Traffic 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.
17. A person using a park shall keep the land and improvements in a condition satisfactory to a Park Officer. A person vacating a park shall restore the land as nearly as possible to a clean and tidy condition.
18. 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 or clean the site, or both. Where a person fails to comply with an order made pursuant to this clause, the Park Officer may take whatever steps are necessary to abate the nuisance or clean the site, or both, and the cost of doing so is recoverable from the person as a debt.

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19. No person shall interfere with the rights of others to the quiet and peaceful enjoyment of a park.
20. No person who has been removed from a park pursuant to Section 5 of this bylaw shall, within the following 72 hour period, enter or attempt to enter a park operated by the Municipal District of Starland No. 47.
21. No person shall enter or remain in any park or portion of a park where travel or access restrictions have been imposed under this bylaw.
22. No person shall deface, injure or destroy any object in a park, whether created by natural means or otherwise.
23. No person shall display or post any signs or advertisements in the park other than signs and advertisements approved by the Park Officer or Council. No person shall remove, deface, damage or destroy any sign board, sign or notice posted or placed in any park under the authority of this or any Act.
24. No person shall deposit liquid or solid waste matter in a park except in a receptacle or area provided for that purpose by the Council. No person shall bring commercial or residential waste matter into a park for disposal.
25. No person shall bath or clean clothing, fish, cooking or eating utensils, vehicles or other equipment at or near a drinking fountain, stand pipe, well or pump in any park.
26. No person shall remove water from a park except for the personal use of himself and his party in the camping accommodation unit he is using at the time, unless he has paid for the water supply at a truckfill established by the municipality for that purpose.
27. No person having the custody or control of an animal shall bring the animal into a park or allow the animal to enter or remain in the park unless it is in a cage or is restrained by a leash, chain or other device that is not greater than 9 feet in length. This provision does not apply to an animal in a park pursuant to Section 31 or pursuant to and in accordance with the terms with a valid disposition.
28. No person having custody or control of an animal shall bring into or allow an animal to enter or remain in or on any area in a park that is:
 - a) a designated swimming area;
 - b) a beach area adjacent to a designated swimming area;
 - c) a public washroom, change house, concession, public shelter, or other public building or structure, or
 - d) an area where signs are posted prohibiting animals,
29. A Park Officer may refuse to admit to a park or require to be removed from a park any animal if he considers it is not under control or may be a nuisance or damage to the life, safety, health, property or comfort of any person in the park.
30.
 - (1) A Park Officer and any other person acting under his supervision may capture an animal running at large in a park.
 - (2) When an animal is captured, the Park Officer shall:
 - a) impound the animal for a period of not more than eight hours, and
 - b) make a reasonable attempt to contact the owner or person having the custody of the animal
 - (3) Where the owner or person having custody claims a captured animal from a Park Officer, he shall pay:
 - a) \$25.00 for recovering the animal, and
 - b) \$15.00 for each 24 hour period or portion thereof during which the animal is impounded.

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- (4) When an animal has been impounded for 48 hours and no person claims it, a Park Officer may dispose of the animal in a reasonable manner.
- 31. No person shall bring into or permit to enter a park, a horse or pony or beast of burden under his control except on an area of land:
 - a) that has been established for an equestrian use,
 - b) in respect to which a valid disposition is issued which permits equestrian or grazing uses.
- 32. No person shall set, light or maintain a fire in a park except in a fireplace, pit or other facilities designed for that purpose.
- 33. A person may use any dead vegetation for fuel purposed in a campground.
- 34. Where the Council is of the opinion that a fire hazard exists in a park, it may, by erecting signs and notices for the purpose, prohibit the setting, lighting or maintaining of fires in all or part of the park.
- 35. No person shall leave a fire unattended or allow it to spread.
- 36. No person shall deposit or dispose of hot coals, ashes, ambers or any other burning or smoldering material in a place other than a stove, firepit or other place provided for that purpose by the Council.
- 37. A person shall extinguish all fires, hot coals, or smoldering materials before leaving them.
- 38. No person shall operate a motor vehicle, or off highway vehicle within a park, except:
 - a) except on a highway, or
 - b) except with a written authorization of the Council, in the case of an area that is not on a highway.
- 39. (1) No person shall, within a park, operate or ride an off highway vehicle or any other such specialized means of conveyance, whether motor driven or propelled by human power, except:
 - a) on a trail or in an area set aside, designated or identified by regulatory signs, notices, or trail markers posted as a trail or area for the use of such conveyances;
 - b) on a place or way which the public is ordinarily entitled or permitted to use for the passage of such conveyances, or
 - c) in an area other than one referred to in Clause (a) or (b) with a written authorization of the Council.
- (2) Subsection (1) does not apply to bicycles.
- 40. No person shall park or leave a motor vehicle, boat, trailer or camping accommodation unit or permit a motor vehicle, boat, trailer or camping accommodation unit to be parked or left in a park other than in parking areas designated for that purpose by the Council.
- 41. A Park Officer may prohibit the entry of a vehicle into any part of any park.
- 42. (1) In this section "abandoned" means left standing at a location for more than 72 consecutive hours other than pursuant to:
 - a) a license, permit or other similiar authorization, or
 - b) prior authorization of a Park Officer

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- (2) If a motor vehicle, off highway vehicle, aircraft, boat, trailer equipment, appliance, article or object:
 - a) is abandoned,
 - b) remains in an area after the authorization to be in that area expires, or
 - c) is located in prohibited area, a Park Officer may move the item or cause it to be moved to a location determined by him and store it or cause it to be stored or order the owner, operator or person in charge of the item to move the item to a location determined by the Park Officer and within the time determined by him.
- (3) If the owner, operator, or person in charge of the item fails to comply with the order or the Park Officer under Subsection (2) the Park Officer may move and store the item or cause it to be moved and stored.
- (4) Where a Park Officer moves or stores an item or causes it to be moved or stored under this section, the cost of doing so
 - a) is the responsibility of the owner of the item,
 - b) constitutes a lien on the item,
 - c) may be recovered from the owner in an action for debt,
 - d) must be paid before the item is released to the owner operator or person in charge of it.
- (5) If any item stored pursuant to this section is not, within 30 days of its removal or a longer period is determined by the Council, claimed by the owner or someone on his behalf in return for full payment for the removal and storage costs incurred, the item and its contents if any, shall be turned over to the Council to be disposed of in a reasonable manner.
- 43. All persons entering shall register with the Park Officer or other person so designated by the Council when required to do so by a sign or notice at or near the entrance to the park.
- 44. The Council may issue individual campsite permits, dayuse permits and group camping permits under this bylaw.
- 45. The Council may provide for and designate areas within its parks for camping and dayuse purposes.
- 46. Permits shall be issued on a first come, first serve basis except in that portion of a park in which a campsite reservation system is in effect.
- 47. No person shall camp overnight in a park
 - a) except in an area designated for that purpose, unless he is otherwise authorized by the Park Officer, and
 - b) unless he has a valid permit under this bylaw to do so.
- 48.
 - (1) No person shall alter a camping permit.
 - (2) No person shall transfer a camping permit to another person.
 - (3) The owner of a camping permit shall keep it available for inspection at any time or shall produce it for inspection on the request of the Park Officer.
- 49. At the time of issue of a group camping permit, the Council may make the permit subject to any conditions it considers appropriate.
- 50.
 - (1) Where a campground within a park is developed in individual campsites, only the following vehicles and camping accommodation units are permitted to be kept in the campsite unless a Park Officer gives written permission to the contrary:

- a) one motor vehicle, whether or not it is a camping accommodation unit;
 - b) in addition to the motor vehicle referred to in clause (a), one camping accommodation unit of any kind, including a camping accommodation unit that is a motor vehicle;
 - c) in addition to the motor vehicle referred to in clause (b), one tent.
- (2) No person in whose name an individual campsite is registered shall bring into or permit to remain on the campsite more vehicles or camping accommodation units than are permitted by Subsection (1).
- 51. No person who is visiting a person camped in an individual campsite, shall park his vehicle on the campsite:
 - a) after 11:00 p.m., or
 - b) in a manner or at a location that impedes traffic.
- 52. Not more than six persons may occupy an individual campsite unless they are all members of a single family unit.
- 53. No person shall camp for more than 14 consecutive days in the same campground in a park without the written permission of a Park Officer.
- 54. A campground shall be considered to be unoccupied when without the written permission of a Park Officer, the permittee:
 - a) leaves the campsite unattended for a period exceeding 12 continuous hours during the first 24 hour period after the permit is issued; or
 - b) leaves the campsite unattended for a continuous period of more than 24 hours during the period of the permit.
- 55. (1) A camping permit is automatically cancelled if the campsite to which it relates is unoccupied within the meaning of Section 54.
- (2) A Park Officer may cancel a camping permit on written notice to the permittee, if the permittee contravenes this bylaw and the permittee shall vacate the campsite within one hour from receiving such notice.
- 56. On the expiry of cancellation of his camping permit, the permit holder shall ensure that the campsite is vacated and that all shelter equipment and other property belonging to him or persons in his group is removed.
- 57. (1) No person shall discharge a firearm in a park.
- (2) On application to the Council, Council may issue a permit for the carrying of an activity involving the discharge of a firearm in a park.
- (3) The Council may make a permit under this section subject to any terms and conditions it considers appropriate including, without limitation, terms and conditions respecting the following:
 - a) the area in which and the times during which the activity maybe carried out and the manner in which it must be carried out;
 - b) the duration of the permit;
 - c) the filing with the Council any reports, returns and other documents related to the activity that is the subject to the permit.
- (4) Unless he is a person who is engaged in an activity pursuant to a permit issued under this section, a person who is in possession of a firearm in a park shall ensure that the firearm is unloaded and either disassembled or cased.

**MUNICIPAL DISTRICT OF STARLAND NO. 47
ATTACHMENT TO BYLAW 1031**

SCHEDULE “A”

WHEREAS under the provisions of Section 44 of the Summary Conviction Act, being Chapter S-26.1 of the Revised Statutes of Alberta, 1980 as amended, and under the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980 as amended, the Council of a municipality may, by bylaw, provide for the payment of traffic tickets or summons out of Court.

A notice or form (commonly called a traffic tag or a violation ticket) may be issued to any person charged with a breach of any of the provisions of this bylaw and the hereto mentioned Acts shall apply in regards to the payment.

| Section | Description | Specified Penalty |
|---------|--|-------------------|
| 17 | Restore land to clean and tidy condition | \$25.00 |
| 19 | Interference with rights of others to peace and quiet | \$100.00 |
| 20 | Re-entering of Park following removal | \$50.00 |
| 22 | Deface, injure or destroy objects within the Park | \$100.00 |
| 23 | Display or posting of unauthorized signage or advertisement | \$100.00 |
| 24 | Improper disposal or waste matter | \$50.00 |
| 25 | Bathing or cleaning of self or utensils at or near water pumps | \$50.00 |
| 26 | Removing water from Park | \$50.00 |
| 27 | Animal no on leash | \$25.00 |
| 28 | Animal in Prohibited area | \$25.00 |
| 32 | Starting fires in undesignated area | \$100.00 |
| 34 | Starting fires when prohibited | \$100.00 |
| 35 | Leaving fire unattended | \$100.00 |
| 36 | Improper disposal of burning material | \$50.00 |
| 37 | Not extinguishing fire before leaving | \$50.00 |
| 38 | Operating vehicle off designated roadways | \$50.00 |
| 39 | Operating off highway vehicle where prohibited | \$50.00 |
| 40 | Parking vehicle in non-designated area | \$50.00 |
| 43 | Failure to register | \$50.00 |
| 47 | Camping where prohibited | \$50.00 |
| 48 | Altering/transferring of permit | \$50.00 |
| 50 | Improper parking of vehicle | \$50.00 |
| 56 | Improper vacating of campsite | \$50.00 |
| 57 | Discharge of Firearm | \$100.00 |
| 58 | Vandalism of Municipal property | \$200.00 |
| 59 | Vandalism of environment | \$50.00 |
| 60 | Unauthorized construction | \$50.00 |
| 61 | Unauthorized carrying on of business | \$50.00 |

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58. No person in any park shall:

- a) remove, destroy, mutilate, deface, or climb upon any building, structure, fixture or chattel, and without restricting the foregoing, any monument, vase, fountain, wall, fence, wire netting, vehicle, tools, gate, seat, bench, exhibit, cage or ornament therein;
- b) plug, tamper with, or in any way damage any plumbing, electrical, heating, or other fixtures.

59. No person in any park shall:

- a) cut, break, bend or any way injure or deface any turf, tree, shrub, hedge, plant, flower or park ornament;
- b) walk, stand, or sit on any flower bed;
- c) walk upon any lawn or garden where signs are posted prohibiting persons from so doing; or
- d) dig in the earth or remove any tree, plant, shrub, or any equipment of any kind that is fixed or growing thereon.

60. The construction of piers, permanent barbecues, fences, obstructions or buildings is prohibited.

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

62. The Council may add to, delete or vary the terms and conditions to which a permit issued under this bylaw is subject.

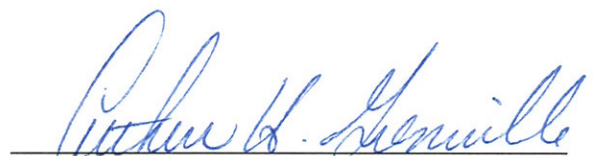
63. The Council or Park Officer may cancel or suspend a permit issued under this bylaw if the permittee contravenes this bylaw, or any of the terms of conditions to which the permit is subject.

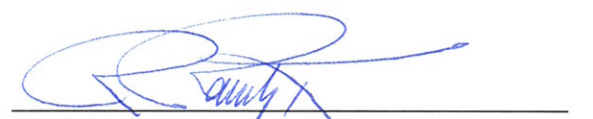
64. This bylaw shall be enforced and take effect on the final passing thereof.

Read a first time on a motion of Councillor McLeod this 14th day of April, 1998.

Read a second time on a motion of Councillor Wilson this 14th day of April, 1998.

Read a third time on a motion of Reeve Grenville, and finally passed this 14th day of April, A.D., 1998.


Reeve: Arthur H. Grenville


Municipal Administrator: Ross D. Rawlusk