



Bylaw: 03-2024

**Recreational Use and Facilities Bylaw**

**A BYLAW OF THORHILD COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH OPERATIONAL REGULATIONS FOR ALL COUNTY OWNED RECREATIONAL AREAS AND FACILITIES.**

**WHEREAS** Section 7 of the *Municipal Government Act*, Chapter M-226, R.S.A 2000, and amendments thereto, the Council may pass a Bylaw for the purposes of safety, health and welfare of people and the protection of people and property;

**WHEREAS** Recreational Areas and Facilities of Thorhild County are valued assets and protecting their value is high priority to ensure that they remain safe and accessible;

**WHEREAS** this Bylaw shall apply to all municipal owned Recreational Areas and Facilities within Thorhild County;

**NOW THEREFORE** the Council for Thorhild County, duly assembled, enacts as follows:

**1. TITLE**

This Bylaw may be cited as the "Recreational Use and Facilities Bylaw".

**2. DEFINITIONS**

The following words and phrases mean:

- a. "Animal" means a Domestic Animal or wild Animal.
- b. "Boat" means any device that floats on the water, which includes but is not limited to; motorized boats, non-motorized boats, kayaks, air inflatable floatable devices, paddleboard, and/or canoe.
- c. "Campground" means a portion of a Park that has been designated by the County where overnight camping is permitted.
- d. "Camping Accommodation Unit" includes but is not limited to; tent, tent trailer, truck camper, van, camper trailer, and/or motorhome.
- e. "Campsite" means a designated or assigned area within a Campground.
- f. "Cannabis" and "Cannabis Accessory" has the meaning given to it in the *Cannabis Act*.

- g. "Caretaker" means a Person who is the contractor or employee for Thorhild County for the express purpose of monitoring activities, issuing permits or passes and enforcing the rules and regulations of a Park.
- h. "Chief Administrative Officer" means the Chief Administrative Officer of the County or their designate.
- i. "Council" means the Council of Thorhild County.
- j. "County" means Thorhild County.
- k. "Day Use Area" means a portion of a Park designated for use between the hours of 8:00 AM and 10:00 PM and not intended for overnight usage, unless otherwise authorized by the Chief Administrative Officer.
- l. "Debris" shall mean scattered pieces of waste or remains such as, but not limited to, construction materials, metal, soil, oversized rocks, rubble, tarps, spoilage, etc.
- m. "Domestic Animal" shall mean a cat or a dog.
- n. "Drone" shall mean an unmanned aircraft or ship that can vary in size, shape, form and speed that is guided or operated by remote control or onboard computer.
- o. "Facility" shall mean a building or area in relation to a recreational use. For the purposes of this bylaw, this includes but is not limited to the Long Lake Ski Area Chalet, the Thorhild Swimming Pool, Thorhild Ball Diamonds and relevant buildings owned and/or operated by the County.
- p. "Motor Vehicle" means a Motor Vehicle as defined in the *Traffic Safety Act*.
- q. "Noise" means any sound that will likely disturb the peace of others; including but not limited to; music, tools, voices and vehicles; the type, intensity, and duration of the Noise will be considered.
- r. "Liquor" means Liquor as defined in the *Alberta Gaming, Liquor and Cannabis Act*.
- s. "Off Highway Vehicle" means any Off-Highway Vehicle as defined in the *Traffic Safety Act*.
- t. "Park" means any developed or undeveloped space owned, controlled, or maintained by the County that is:
  - i. Dedicated for the common use and enjoyment of the public;
  - ii. Intended to be used by members of the public for recreation and general enjoyment;

- iii. Preserved as a natural area;
  - iv. Designated or districted as park or park corridor land;
  - v. That portion of a boulevard contiguous with, partially within, or fully within an area described herein;
  - vi. For the purposes of this Bylaw, Parks include sidewalks and trails contained within them, named Parks and green spaces; and
  - vii. For the purposes of this Bylaw, Parks include Campgrounds, Playgrounds and Day use areas including Radway Fish Pond, Ball Diamonds, Swimming Pool, the out door portion of the Long Lake Ski Area and any of the green space areas as identified on Schedule "A".
  - viii. A Park may include an area designated by the Chief Administrative Officer on a permanent or temporary basis.
- u. "Pass" means a ticket that, once bought, enables a Person to use, travel on or access an area for a specified amount of time.
  - v. "Peace Officer" means an individual appointed under the authority of the *Peace Officer Act*, (A Community Peace Officer) a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer in the employment of Thorhild County.
  - w. "Permit" means Thorhild County's expressed verbal or written permission to use an area within a Park upon payment of a fee.
  - x. "Person" includes an individual corporation, firm, partnership, association or corporate body.
  - y. "Playground" means any kind of structure or collection of structures which is designed and intended for recreational uses such as climbing, swinging, hanging, crawling, jumping, stepping whether over, under, through, and includes the distinct material in which the structure or apparatus is mounted.
  - z. "Projectile Weapon" means a device from which any projectile can be discharged and that is capable of causing serious bodily harm or death to a person or Animal, and includes, but is not limited to:
    - i. Devices which project either single or multiple projectiles at high velocity through a controlled explosion including but not limited to; firearms, bows including crossbows, potato canons, sling shots and BB, pellet, airsoft and paintball guns.

- aa. "Renter" means a Person that has entered into a rental agreement with the County.
- bb. "Rental Agreement" means an agreement in writing between a Person and the County for the rental of a Facility.
- cc. "Seasonal Site" means a site in a campground that is authorized to be booked by a Person from Mid May thru to September 30 (the term) for their usage for the term.
- dd. "Suspension Notice" means any notice given to a Person suspending their rights to stay in a Park.
- ee. "Vegetation" includes all trees, shrubs, plants, flowers, grass and all ground cover, whether it is wild or has been planted.
- ff. "Violation Tag" means a Violation ticket issued under Part III of the *Provincial Offences Procedures Act*.
- gg. "Waste" means articles including but not limited to the following: liquid and solid wastes including sewage and wastewater, loose litter, food waste, wastepaper, cardboard, food containers, animal feces or garbage bags.

### 3. GENERAL

- a. All Persons visiting a Park must adhere to all County Bylaws.
- b. Persons utilizing a Park do so at their own risk.
- c. Persons shall comply with any lawful order and instructions, prohibitions and directions as posted by signage or notice made or issued pursuant to this Bylaw.
- d. The County and its agents shall not be liable for loss or damage caused by anything done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Bylaw.
- e. No Person shall enter or remain in a Park where travel or access restrictions have been imposed under any legislation.
- f. Persons venturing onto an ice surface do so at their own risk.
- g. Persons venturing into or onto water do so at their own risk.
- h. All Parks including Day Use Areas and Playgrounds are open from 8:00 AM to 10:00 PM; unless otherwise posted or authorization has been obtained from the Chief Administrative Officer.

- i. Persons using a Park must collect and dispose of their own Waste in the appropriate receptacles or sanitary dumping stations on site.
- j. In areas where Waste disposal receptacles or sanitary dumping stations are not provided, Waste shall be carried or transported out of the area for disposal.
- k. No Person shall bring commercial or residential Waste into a Park for disposal.
- l. No Person shall defecate or urinate anywhere in a Park other than in a washroom designated for use by a Person at a Park.
- m. No Person shall bath or clean anything near a body of water, stand pipe, pool, well or pump in any Park unless authorized by the County.
- n. No person shall clean fish in a Park, except at a designated area.
- o. No Person shall cause or permit any Noise, use vulgar or insulting language, become disorderly or destructive that, in the opinion of a Peace Officer, disturbs the peace and enjoyment of a Park.
- p. No Person shall remove, destroy, mutilate, deface, or misuse any property in a Park.
- q. Persons shall not construct or place buildings or other Debris in any Park.
- r. Persons shall not damage, disturb, destroy, remove, affix signage to, or otherwise interfere with or use for a purpose not intended, any Vegetation in a Park.
- s. The County shall not provide public access through Halfmoon Lake Campground from October 15 – May 14 of each year.
- t. The County may restrict/deny public access through/to Halfmoon Lake Campground during the regular season due to unforeseen circumstances.

#### **4. PERMITS/PASSES**

- a. The County may issue the following Permits under this Bylaw:
  - i. Seasonal Site
  - ii. Individual Camping
  - iii. Day Use Area
  - iv. Boat launch
  - v. Group Camping

- b. The County may issue the following Passes under this Bylaw:
  - i. Long Lake Ski Area Lift
  - ii. Swimming Pool
- c. Permit and Pass fees are set out in the Fee Policy.
- d. Persons utilizing a Park shall obtain the applicable Permit or Pass.
- e. No Person shall remain overnight in a Park except in an area designated for overnight use unless they are authorized by the Chief Administrative Officer or have a valid Permit under this Bylaw to do so.
- f. The County may provide designated areas within its Parks for Camping and Day Use purposes.
- g. The holder of a Permit/Pass shall have applicable Permit/Pass or proof of payment available for inspection at any time and shall produce it for inspection at the request of a Peace Officer, Caretaker or Chief Administrative Officer.
- h. A Permit/Pass is considered issued once it has been paid for.
- i. A Permit/Pass may be revoked at the discretion of the Chief Administrative Officer, Caretaker and/or Peace Officer. A Caretaker may not revoke a Seasonal Site Permit without approval of the Chief Administrative Officer.
- j. Any Permit/Pass may be amended, varied or revoked at any time by the Chief Administrative Officer.
- k. Upon expiry, cancellation or exit, Permit/Pass holders shall ensure the area being used is vacated and that all Camping Accommodation Unit(s), equipment and other property and persons belonging to them is removed.
- l. No Person shall;
  - i. Alter a Permit/Pass; or
  - ii. Transfer a Permit/Pass to another person; unless otherwise stated on the Permit/Pass.
- m. The Person holding a Permit must be 18 years or older with the exception that a day use Permit or a boat launch Permit may be issued to those 16 years or older.
- n. Passes may be issued to those under the age of 18 years.

## 5. CAMPING

- a. No Person shall camp or take up temporary overnight residence utilizing a Motor Vehicle or Camping Accommodation Unit in any Park that is not designated as a Campground unless authorized by the Chief Administrative Officer or is an area subject to a Lease Agreement.
- b. Where a Campground is developed with individual campsites, the maximum allowable combination of Motor Vehicles, Camping Accommodations Units and pieces of towed equipment permitted on an individual campsite is three (3) and of the three (3), no more than one (1) may be a Camping Accommodation Unit, unless the site is designated for more or authorized by the County.
- c. Thorhild Centennial Park Campground is operated on a first-come, first-serve basis and a Person must register their stay with the County; and pay fees as per Policy.
- d. The maximum time a Person may stay in a Campsite is fourteen (14) consecutive days; unless site is designated as a Seasonal Site.
- e. Generators must be turned off between the hours of 9:00 PM to 9:00 AM, unless otherwise authorized by Caretaker.
- f. Quiet time hours are in effect from 10:00 PM to 7:00 AM every day of the week, unless otherwise posted.
- g. Campsite checkout is 11:00 AM.
- h. All Persons camping in a group setting shall appoint a representative who shall take responsibility of the respective groups and will be responsible for booking arrangements and payment of Campground fees.

## 6. SEASONAL SITE

- a. Eleven (11) camping sites at Halfmoon Lake Campground are hereby designated as Seasonal Sites. Three additional sites (West side) are hereby designated as storage sites.
- b. Seasonal Sites can be applied for as per Policy.
- c. Any Seasonal Site not allocated by May 1 as a Seasonal Site, will become available for regular daily camping by contacting the Campground directly at a rate set as out in Policy.

- d. Seasonal Site Permit Holders must remove all property from the site by October 10 of the season.
- e. Seasonal Sites may be renewed, the renewal process is outlined by Policy.

## **7. ANIMALS**

- a. Only Domestic Animals may be permitted in a Park.
- b. Persons having the custody or control of a Domestic Animal, shall not allow the Domestic Animal to enter or remain in a Park unless it is secured and/or restrained.
- c. Persons shall not allow a Domestic Animal to bark, howl or make any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the Park.
- d. Persons having custody or control of a Domestic Animal shall not bring into or allow the Domestic Animal to enter or remain in an area in a Park that is a public space, designated swimming area, beach area, boat launch or other areas where prohibited by signage.
- e. Persons whose Domestic Animal defecates on Park property shall immediately remove any defecated matter.
- f. A Peace Officer or Caretaker may refuse to admit or require a Domestic Animal to be removed from the area if, in their opinion:
  - i. it is not under the control of a responsible Person; or
  - ii. may be a nuisance or damage to the life, safety, health, property or comfort of any Person or Animal.
- g. The Person having custody or ownership that claims an impounded Domestic Animal from the Peace Officer, shall pay impoundment and subsistence fees charged for the impoundment of the Domestic Animal.
- h. No Person shall feed, hunt, harass, trap, injure, kill, or throw something at any Animal in a Park where it can alarm or cause possible injury to the Animal or any person.

## **8. FIRE/FIREWORKS**

- a. Where the County and its agents are of the opinion that a fire hazard exists in a Park, they may, by erecting signs and notices for the purpose of prohibiting the setting, lighting or maintaining of fires in the Park.

b. Persons shall not:

- i. Leave a fire unattended;
- ii. Deposit or dispose of hot coals, ashes, embers or any other burning or smoldering material in a place other than a fire pit, or other place provided for that purpose by the County;
- iii. Set, light or maintain a fire in a Park or part of a Park, where signs or notices have been erected prohibiting such acts except in a fire pit or other designed space for that purpose;
- iv. Set, light, maintain any type of fire during a fire ban;
- v. Allow a fire to spread;
- vi. Burn treated lumber, tires, rubber, plastics, or any other similar material that may emit a noxious gas and/or smell when burned; and/or
- vii. Set off fireworks in any part of a Park.

## 9. PROJECTILE WEAPONS AND DRONES

- a. No Persons shall have in their possession or discharge a Projectile Weapon in a Park.
- b. No Person shall operate a Drone in any Park unless authorized by the Chief Administrative Officer.

## 10. LIQUOR, CANNABIS, VAPING, SMOKING

- a. The consumption of Liquor and/or cannabis is permitted only at designated Campsites.
- b. Persons shall not smoke or vape within five (5) meters of a Park building or structure, playground, recreational court, ball diamond, beach area, pond area, ski area or pool area.
- c. Persons shall not contravene the provisions of the *Alberta Gaming, Liquor and Cannabis Act*, or any other federal or provincial regulation pertaining to alcohol and/or cannabis use.

## 11. VEHICLES

- a. All Persons visiting a Park must park their Motor Vehicle in a designated area and shall not obstruct the free flow of traffic.

b. No Person shall:

- i. Contravene the provisions of the Traffic Safety Act;
- ii. Operate a Motor Vehicle within a Park except on a roadway unless they have written authorization from a Peace Officer;
- iii. Operate an Off-Highway Vehicle within the Park or any other such specialised means of conveyance, whether driven or propelled by human power;
- iv. Operate a Boat on Radway Fish Pond unless expressly allowed to do so by the County; and/or
- v. Moor a Boat to any dock installed by the County, unless otherwise allowed.

## 12. FACILITY RENTAL

- a. Facilities owned and/or operated by the County may be rented from time to time by a Person entering into a Rental Agreement with the County.
- b. The County reserves the right, entirely at its discretion, to accept or reject any application for the use or rental of any Facility or area.
- c. The Renter will not permit any damage to occur to the Facility and will leave the same in substantially the same condition as when the Renter entered the Facility for use.
- d. Guidelines for Facility rentals are provided for in Policy.
- e. Fees and charges for Facility rentals are identified in Policy.
- f. The Chief Administrative Officer has the sole authority to cancel a Facility rental in instances of emergency response and/or when deemed in the best interest of the County.

## 13. AUTHORITY AND ENFORCEMENT

- a. Peace Officers, Caretakers or the Chief Administrative Officer may:
  - i. Refuse the entry of any Person to a Park;
  - ii. Prohibit the entry of a Person into a Park for non-payment of fees;

- iii. Order any Person in a Park to cease or refrain from any action, omission or conduct that in their opinion is an offense, dangerous to life or property or detrimental to the use and enjoyment of the Park by other persons; and
  - iv. Failure to comply with an order under section 13(a)(iii) may result in a Suspension Notice being issued for a period of not less than three (3) days.
- b. Peace Officers may:
- i. Enter on and inspect any land, road, building or structure in a Park;
  - ii. Order the removal of any unauthorized building or structure in a Park; and
  - iii. Remove any Person who is in contravention of this or any other County legislation.
- c. Persons shall not:
- i. Fail to comply with a lawful order or request of Peace Officers, Caretaker, or the Chief Administrative Officer and/or
  - ii. Obstruct a Peace Officer in the execution of their duties.
- d. Persons who have been:
- i. Ordered to be removed from a Park, pursuant to this Bylaw, shall vacate the area within 1 hour of notification and be suspended from all Parks for a period of not less than three (3) days; and/or,
  - ii. Suspended from a Park pursuant to this Bylaw, may at the discretion of the Peace Officer, only enter that Park with their accompaniment to pick up belongings left behind.
  - iii. All suspension notices will be reviewed by the Chief Administrative Officer who may at their discretion change the time of the suspension.

#### **14. PENALTIES**

- a. Persons who contravene any provision of this Bylaw are guilty of an offence and are liable on summary conviction to a fine or not more than \$10,000.00 per occurrence or imprisonment for not more than one (1) year, or both, as specifically detailed in the MGA or in this Bylaw.
- b. Where a Peace Officer has reasonable and probable grounds to believe that a Person has contravened any provision of this Bylaw may serve upon such Person

a Violation Ticket pursuant to the *Provincial Procedures Act* or *Provincial Administrative Penalties Act*;

- i. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “B” of this Bylaw in respect to that provision;
- ii. Where any person contravenes the same section of this Bylaw twice or more within a 12-month period, the specified penalty payable in respect of the second or subsequent contravention shall be double the amount set out in the appendix; and
- iii. If a Motor Vehicle, Off-Highway Vehicle, aircraft, Boat, trailer or Camping Accommodation Unit is involved in a contravention of this Bylaw, the registered owner of that property is guilty of an offence.

**15. SEVERABILITY**

Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section of this Bylaw be found to have been improperly enacted, that section or part shall be regarded as being severable from this Bylaw and the remaining Bylaw shall be effective and enforceable.

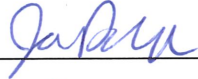
**16. REPEALS**


Parks Bylaw 05-2021 is hereby repealed.

**17. ENACTMENT**


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


READ A FIRST TIME IN COUNCIL THIS 23<sup>rd</sup> DAY OF APRIL, 2024.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS 14<sup>th</sup> DAY OF MAY, 2024

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

READ A THIRD TIME IN COUNCIL THIS 14<sup>th</sup> DAY OF MAY, 2024

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

## Schedule "A"

**Thorhild County Green Space Areas include but are not limited to:**

- Centennial Park – Radway
- Centennial Park – Thorhild
- Devonian Park – Thorhild
- Green Space – Opal (Former Mailbox Site)
- Orchard – Radway
- Styra Park – Radway
- Sunflower Park – Thorhild
- Long Lake Walking Paths and Cul-de-sac Boulevards
- Thorhild Walking Paths

**Schedule "B"**

<b>SECTION</b>	<b>OFFENSE:</b>	<b>PENALTY</b>
3(c)	Fail to obey instruction, prohibitions or direction by sign, notice	\$200.00
3(e)	Enter or remain in a Park where travel or access restrictions have been imposed	\$250.00
3(i)	Fail to use proper waste disposal sites	\$250.00
3(l)	Defecate or urinate in a Park	\$300.00
3(o)	Causing or permitting Noise that disturbs the peace of others	\$250.00
3(p)	Remove, destroy, mutilate, deface or misuse property	\$500.00
3(q)	Construct or place any building or Debris	\$500.00
3(r)	Interfere with any Vegetation	\$100.00
4(e)	Patron remains in Park, Playground, Day Use after authorized hours	\$150.00
4(g)	Fails to have Permit or proof of payment available for inspection	\$150.00
4(k)	Fail to remove property	\$150.00
4(l)(i)	Alter a Permit issued	\$150.00
4(l)(ii)	Transfer Permit to another person	\$150.00
5(a)	Camping or setting up temporary residence	\$150.00
5(b)	Excessive number of Camping Accommodation Units in a Campsite	\$150.00
5(d)	Remain longer than 14 days in Campsite	\$150.00
5(e)	Allow generator to be operated during restricted hours	\$250.00
5(h)	Failure to properly allocate responsibility for a group	\$100.00
6(d)	Failure to remove property by October 10	\$250.00
7(b)	Fail to keep a Domestic Animal properly secured or restrained	\$300.00
7(c)	Allow a Domestic Animal to bark, howl or other noises excessively	\$250.00
7(d)	Have a Domestic Animal in a prohibited area	\$150.00
7(e)	Fail to remove Domestic Animal defecation	\$150.00
7(f)(i)	Failure to control a Domestic Animal	\$150.00
7(h)	Feed, hunt, harass, trap, injure, kill or throw something at an animal	\$500.00
8(b)(i)	Leave a fire unattended	\$1000.00

8(b)(ii)	Improperly dispose of hot coals or ashes in none approved appliance	\$1000.00
8(b)(iii)	Light a fire in other than an approved receptable or location	\$1000.00
8(b)(iv)	Lighting a fire during a fire ban	\$3000.00
8(b)(v)	Allow a fire to spread	\$1000.00
8(b)(vi)	Burn material that emits a noxious gas and/or smell	\$3000.00
8(b)(vii)	Unauthorized discharge of fireworks within a Park	\$3000.00
9(a)	Possession or Discharge Projectile Weapon in a Park	\$500.00
9(b)	Fly a Drone in a Park	\$250.00
10(a)	Possess open Liquor and/or Cannabis when not in an approved area	\$500.00
10(b)	Smoke or vape within 5 meters of a Park building or structure, playground, tennis court, ball diamond, beach area, ski area and pool	\$250.00
10(c)	Contravene the Gaming and Liquor Act	\$250.00
11(a)	Unauthorized parking or obstruction of traffic	\$150.00
11(b)(ii)	Operate a vehicle in an unauthorized area of a Park	\$250.00
11(b)(iii)	Operate prohibited means of conveyance in a Park	\$250.00
11(b)(iv)	Operate a Boat on Radway Fish Pond	\$100.00
11(b)(v)	Moor a Boat to a dock	\$100.00
12(c)	Failure to return property in same condition or damage property	\$500.00
13(a)(iv)	Fail to comply with order issued by Peace Officer	\$500.00
13(c)(ii)	Obstruct a Peace Officer	\$500.00
13(d)(i)	Fail to comply with suspension notice	\$250.00