


Bylaw 1021/2025			
Parks, Trails and Open Spaces Bylaw			
			<i>Year/Month/Day</i>
Resolutions	107/2025	Effective Date	2025/06/09
Related Bylaws	Fire Bylaw / Community Standards Bylaw		
Lead Role	Legislative and Protective Services		

WHEREAS, the Town of Devon is desirous of protecting and facilitating the management of its green infrastructure and ensuring the continued viability of this infrastructure; and

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, c. M-26 and amendments thereto provides that Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- and

WHEREAS Council for the Town of Devon deems it appropriate to ensure the protection of public utilities such as the urban forest, parks, leased lands and other infrastructure and to enact a Parks Bylaw to accomplish those objectives;

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

Section 1 - TITLE

101. This Bylaw shall be cited as the “Parks Bylaw.”

Section 2 - DEFINITIONS:

- 201.** “**2013 Urban Forest Management Plan**” and/or any amendments is the established plan to ensure that trees in the community are healthy and maintained at a level that protects the public and property from damage.
- 202.** “**CANNABIS**” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time;
- 203.** “**CAO**” means the Chief Administrative Officer of the Town of Devon, or the Person designated by the Chief Administrative Officer;

- 204.** “**Land Use Bylaw**” and/or any amendments was adopted as the guiding document for the land use within the Town of Devon.
- 205.** “**Leased Land**” is a contract that provides for the letting of a leasehold estate which entitles the lessee to exclusive possession of the property for a defined term. (i.e. Campground and Golf Course have some exemptions from “Park Use”)
- 206.** “**Municipal Reserve**” means the land designated as municipal reserve under Part 17, Division 8 of the Municipal Government Act as updated or amended;
- 207.** “**Natural Surface Trails**” natural mineral soils or rock surfacing, or native material from site. Provide interpretive and directional signs, benches, viewing areas where appropriate. Machine- or hand-built and maintained.
- 208.** “**Park**” means any land, whether developed or undeveloped, that is owned, leased, managed, or controlled by the Town of Devon and is:
- a) Specifically designed, developed, or reserved for public use for active or passive recreation, and includes but is not limited to: natural and man-made landscaping, ravines, playgrounds, playing fields, recreational facilities, buildings, plazas, and other structures consistent with the general purposes of public parkland, whether operated by the Town or through agreements with other entities;
 - b) Any lands acquired by the Town as municipal reserve, school reserve, municipal and school reserve, public utility lot, or environmental reserve as defined in the *Municipal Government Act* or the *Town’s Land Use Bylaw*;
 - c) Any land designated by Council as a park, recreational area, open space, or trail system for the purposes of this Bylaw;
 - d) Any land developed or designated by the Town as part of its trail system, including pathways and multi-use trails, but excluding standard pedestrian sidewalks;
 - e) Includes any such lands designated by resolution of Council.
- 209.** “**Park Infrastructure**” means any structure, amenity or plant material that could be found in any Park.
- 210.** “**Pathway**” means any multiple-use path whether of asphalt, concrete, shale or gravel surface and does not include a sidewalk.
- 211.** “**Peace Officer**” has the same meaning as in the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto. This includes a Town of Devon Peace Officer, as well as Bylaw Officer duly appointed by the Town of Devon Council;
- 212.** “**Person**” means an individual or any business entity including a firm, partnership, association, corporation or society, but does not included Town of Devon or any of their employees, who

are acting within the course and scope of their employment.

- 213. “Power Bicycle”** Alberta identifies e-bikes as “power bicycles” and is consistent with the federal definition of “power-assisted bicycle” in MVSR CRC, c 1038 s 2. Motor output must not exceed 500 W (0.671 hp) and e-bikes cannot travel faster than 32 km/h (20 mph). Fully operable pedals are required. No driver’s license, vehicle insurance, or vehicle registration is required. Operators must be 12 years of age or older. All operators are required to wear a motorcycle helmet meeting the standards set in AR 122/2009 s 112(2). A passenger is permitted only if the e-bike is equipped with a seat designated for that passenger.
- 214. “Smoke”** means to inhale, exhale, burn have or otherwise have control over an ignited cigarette, cigar, pipe, hookah pipe, or any other implement designed to burn or heat Tobacco, Cannabis or any other substance for the purpose of inhaling or tasting its Smoke or emissions;
- 215. “Special Permit”** means a written permit issued by the CAO, as defined, pursuant to this Bylaw and is designed to be temporary in nature.
- 216. “Storm Drainage Collection System”** means water collected as a result of natural precipitation or from melting snow or ice
- 217. “Stormwater Management Facility”** means structures such as ponds, basins, outlets, ditches, velocity dissipaters, infiltration trenches and extended detention basins and any other structure used to control the quality and quantity of stormwater.
- 218. “Town Tree”** trees within the right-of-way (ROW), in a Town Park, or on other Town land are all examples of Town Trees.
- 219. “Vegetation”** means any fungus, plant, or part of which grows in a park.
- 220. “VAPE”** means the use of an electronic cigarette or smoking device, vaporizer, or any similar device containing Tobacco, Cannabis or any other substance which emits vapour, emissions or aerosol;
- 221. “Vehicle”** means the same as in the *Traffic Safety Act*, Revised Statutes of Alberta 2000 Chapter T-6 and amendments thereto.

Section 3 - APPLICATION

301. 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

401. A person may make a written application to the CAO, for a special permit allowing permission that would otherwise violate this Bylaw.

402. Any application made pursuant to this section must be made at least twenty (20) business days prior to the proposed activity and must include the following information:

- a) full name of applicant
- b) full address of applicant
- c) purpose of the application including:
 - I. what is the permission being requested
 - II. number of people
 - III. timeline (from date/time to date/time)
 - IV. location
- d) liability insurance if requested

403. The CAO may determine, at his/her sole discretion, (whether to issue a permit and may issue such a permit in accordance with the power and authority provided pursuant to Section 4 – Permission of this Bylaw:

- a) Place any conditions considered reasonable on any permit
- b) Waive any requirement of the Special Permit Application;
- c) Issue the special permit where the CAO determines that circumstances make it impractical for the applicant to comply with this Bylaw;
- d) Revoke any special permit that has been issued where the CAO determine the applicant has not taken sufficient measures to meet the standard of any Town Bylaw; or,
- e) Impose any conditions on the issuance that the CAO consider appropriate.

404. 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
- d) organizations that have a permit issued by the CAO for the Town.

405. A permit is not valid unless it is in writing and signed by the CAO;

406. No Person shall contravene any term or condition of a permit issued by the CAO pursuant to this Bylaw.

407. 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, a Town Employee or RCMP.

408. 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.

409. 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.

410. Any permit issued pursuant to this Bylaw is only valid for the period of time for which it was granted.

Section 5 - USE OF PARKS

501. While in Parks, all posted signage shall be observed and no person shall:

- a) dispose of any product in either solid or liquid form on Park land as defined by this bylaw;
- b) use or dispose of fertilizer, pesticides and/or herbicides on Park land as defined by this bylaw without prior approval from the CAO;
- c) drive a motorized vehicle, in a Park without prior approval from the CAO;
- d) mow or alter by any means land designated as Park;
- e) divert or direct the flow of ground water from through or to a Park;
- f) locate the outfall from downspouts, sump pumps or any other water source as defined in the Land Use Bylaw and any amendments thereto
- g) remove, destroy or deface any Park Infrastructure;
- h) have fires in any or on any Park, except in designated fire pits and pursuant to the Fire Services Bylaw and any amendments thereto;
- i) plant all or any portion of a tree on Park land without prior written authorization of the CAO and in accordance with the 2013 Urban Forest Management Plan;
- j) remove, move, prune, cut, debark, or penetrate the bark of any portion of a Town Tree on Park land, without prior authorization of the CAO and in accordance with the 2013 Urban Forest Management Plan;
- k) secure in any fashion, without penetrating the bark, any object or poster to a Town Tree;
- l) throw, hit, shoot, propel or otherwise cause to be airborne on Park land any golf ball, dart or

like projectile which can potentially cause physical discomfort, injury or suffering unless the area is specifically designated for said activity; or

m) set off, launch or operate while in a park:

- I. any fireworks, explosive devices or rockets
- II. any glider or hot air balloon
- III. any airborne remote-control device

Except where such activity is specifically allowed by the CAO

n) allow their dog to be within the bordered area that surrounds a piece of Park Infrastructure such as a play structure as defined in the Responsible Pet Ownership Bylaw as amended, repealed and/or replaced from time to time, and this Bylaw;

o) urinate or defecate except in a facility provided for that purpose as outlined and defined in the Community Standards Bylaw and any amendments there too.

p) leave, place, deposit or throw upon any Park any refuse or debris except in a receptacle designated and intended for such use;

q) leave, place, deposit or throw domestic garbage upon any Park or in a Park receptacle;

r) No person shall smoke or vape cannabis in a public place or in any vehicle defined in the Community Standards Bylaw as amended, repealed and/or replaced from time to time, and this Bylaw.

s) Smoking and vaping are prohibited in parks and within a ten-meter (10m) distance from the perimeter of any playground structure in public areas apart from ceremonial/cultural practices as defined in the Community Standards Bylaw as amended, repealed and/or replaced from time to time, and this Bylaw

t) dig or remove any soil that may cause land erosion without prior authorization of the CAO and/or in accordance with provincial and federal regulations.

502. In the event that a person has caused, directly or indirectly, sufficient damage to a Town Tree to warrant its removal, said person shall be liable for the cost of replacing the Town Tree in accordance with the standards and specifications and valuation method used by the Town. The size and the age of the tree will determine whether a replacement cost method or trunk replacement method will be used in calculating the value of the tree. The valuation method used by the Town comes from 2013 Urban Forest Management Plan.

503. In accordance with the governing regulations, public utility companies may perform pruning as required by safety regulations to maintain the safe operation of their infrastructure provided that:

a) The Parks Department is notified in advance by the utility company of any utility line clearing that will affect a Town Tree or crews requiring access through Park land.

b) The utility company or its subcontractors adhere to all provisions of this Bylaw.

c) The CAO reserves the right to halt utility line pruning of Town Trees if the pruning does not adhere to current arboriculture practices.

504. Any construction within six (6) metres of a Town tree must be completed in accordance with the Town's 2013 Urban Forest Management Plan and is approved by the CAO prior to the commencement of any work.

Section 6 - VEGETATION

601. While in a Park, no Person shall:

a) dig, destroy, remove or otherwise interfere with or use for any improper purpose, any Park Vegetation with the exception of the harvesting outlined in this bylaw;

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

602. The Medicine Park was built with the intention of the vegetation being available to Persons for harvesting and as such, the Medicine Park is exempt from Section 601 a) but must follow the harvesting as outlined in this bylaw.

603. Harvesting of Vegetation naturally occurring vegetation Park Land is permitted for personal, cultural, or educational purposes provided that:

a) Permitted Harvesting

i. The activity is carried out in a respectful and sustainable manner that minimizes harm to the ecosystem;

ii. The quantity harvested is limited to what is reasonably required for personal, ceremonial, or cultural use, and does not compromise the health, regeneration, or long-term viability of the species;

iii. Protected, rare, or endangered species are not harvested unless permitted under applicable federal or provincial legislation.

b) Indigenous Rights and Protocols

Nothing in this section is intended to limit or infringe upon the rights of Indigenous peoples

recognized and affirmed under Section 35 of the Constitution Act, 1982. The Town acknowledges the importance of traditional knowledge and cultural practices and is committed to working with Indigenous communities to ensure respectful access and sustainable use of vegetation for traditional purposes.

c) Prohibited Activities

Harvesting shall not:

- i. Be conducted for commercial sale without municipal approval;
- ii. Involve the use of mechanized tools or result in significant landscape or habitat disturbance;
- iii. Create public safety concerns or impede access to public infrastructure or recreational amenities.

d) Municipal Oversight

The municipality reserves the right to monitor, restrict, or temporarily suspend harvesting in specific areas to protect ecological integrity or address concerns related to overharvesting, environmental damage, or public safety.

604. Agricultural Pests Act

Municipalities in Alberta have a significant obligation to enforce regulations related to clubroot, a soil-borne disease affecting canola and other cruciferous crops. These include but are not limited to Dutch Elm Disease and prohibited noxious weeds. They are responsible for enforcing the *Agricultural Pests Act*. This includes conducting inspections, issuing notices, and enforcing restrictions on affected land. For more information on these obligations see the *Agricultural Pests Act*.

Section 7 - STRUCTURES

701. While in a Park, no Person shall:

- a) set up or erect any form of temporary abode or structure or camp as an overnight structure except in an authorized Campground;
- b) dig, excavate or conduct any construction or building operation; or
- c) mark, deface, climb, destroy or otherwise interfere with any Park Infrastructure.

Section 8 - ANIMALS

801. Any Person, while in a Park, shall comply with the provisions of the Responsible Animal Ownership Bylaw, as amended, repealed and/or replaced from time to time.

Section 9 - ACCESS AND HOURS

901. Parks and Open Spaces are closed from 11p.m. to 6a.m. every day unless otherwise permitted as outlined below.

902. 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.

903. 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.

904. Any person found in a Park or an area of a Park that is closed may be asked to leave by a Peace Officer or RCMP and may be issued a Violation Ticket.

905. No person shall be in violation of this Section if they are:

- a) attending a function or event approved by the CAO; or
- b) passing directly through a Park space on their way to a destination outside the Park.

Section 10 - FIRE PREVENTION

1001. No Person shall ignite or allow a fire to burn in a Park except in accordance with the Fire Services Bylaw, as amended, repealed and/or replaced from time to time, and this Bylaw;

Section 11 - VEHICLES

1101 No Person shall drive or operate:

- a) a Motor Vehicle in a Park except on a public roadway;
- b) an Off-Highway Vehicle in a Park;

except mobility aids, Power Bicycles as defined, an authorized designate or is a holder of a valid and subsisting permit issued pursuant to this Bylaw by the CAO which authorizes such activity.

Section 12- BODIES OF WATER (excluding the North Saskatchewan River)

1201. No Person shall enter, wade or swim in or upon any Stormwater Management Facility or any area which is part of the Town's Storm Drainage Collection System.

1202. No Person shall operate a boat powered by a motor nor operate or launch any boat, canoe, kayak or similar craft upon any Stormwater Management Facility or any area which is part of the Town's Storm Drainage Collection System.

1203. 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.

1204. No Person shall operate a boat powered by a motor, except motorized model boats, 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 13- SALE OF GOODS & SERVICES

1301. No Person shall sell goods or services that are not in compliance with the Business Licensing Bylaw as amended, repealed and/or replaced from time to time, and this Bylaw;

Section 14 -OFFENCES & PENALTIES

1401. 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.

1402. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

Section 15 - POWERS OF PEACE OFFICERS AND PROSECUTION

1501. General Penalty Provisions

- a) Any person that contravenes any provision of this Bylaw is guilty of an offence;
- b) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, and in default of payment of any fine imposed, to imprisonment for not more than six (6) months;
- c) Without restricting the generality of Section 1501(b), the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are as set out in Schedule "A".

1502. Municipal Violation Tags and Violation Tickets

- a) A Peace Officer is hereby authorized and empowered to issue a Municipal Violation Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- b) A Municipal Violation Tag may be served:
 - I. personally to the accused; or
 - II. mailed to the address of the owner as registered with the Town of Devon
- c) The Municipal Violation Tag shall be in a form approved by the CAO and shall state:
 - I. the name of the person to whom the Municipal Violation Tag is issued, if known;
 - II. a description of the offence and the applicable Bylaw section;
 - III. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - IV. that the penalty shall be paid on or prior to the prescribed due date in order to

avoid prosecution; and

- V. any other information as may be required by the Chief Administrative Officer.
- d) Where a contravention of this Bylaw is of a continuing nature, further Municipal Violation Tags may be issued by a Peace Officer.
- e) A person to whom a Municipal Violation Tag has been issued may pay the penalty specified on the Municipal Violation Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- f) Where a Municipal Violation Tag has been issued and the penalty specified on the Municipal Violation Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.
- g) Notwithstanding Section 602(6), a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- h) 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*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.
- i) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - I. specify the fine amount established by this Bylaw for the offence in Schedule "A";
 - or
 - II. require a person to appear in court without the alternative of making a voluntary payment.
- j) A person who commits an offence may:
 - I. if a Violation Ticket is issued in respect of the offence; and
 - II. if a Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment equal to the specified fine.
- k) When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

1503. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

1504. 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.

1505. A person shall not obstruct or hinder any person in the exercise of performance of the Person's powers pursuant to this Bylaw.

1506. If any section or part of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted

as such.

Section 16- EXEMPTIONS

1601. 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.

This Bylaw shall come into force and effect upon it receiving third reading by the Council.

READ A FIRST TIME IN COUNCIL THIS 10th day of March 2025

READ A SECOND TIME THIS 12th day of May 2025

READ A THIRD AND FINAL TIME THIS 9th day of June 2025

Jeff Craddock, Mayor

Corey Levasseur, Chief Administrative Officer

SCHEDULE "A"

Section	Offence	First Offence	Second Offence
405	No Special Permit	\$155	\$310
406	Contravene conditions of special permit	\$155	\$310
407	Fail to produce special permit	\$155	\$310
408	Interfere with park usage of special permit	\$155	\$310
501(a)	Disposal of product on Park land	\$250	\$500
501(b)	Disposal of fertilizer, pesticides and/or herbicides on Park land	\$250	\$500
501(c)	Drive a vehicle in a Park	\$155	\$310
501(d)	Mow or altered Park land	\$155	\$310
501(e)	Water flow through or to a Park	\$155	\$310
501(f)	Locate water source onto Park Infrastructure	\$155	\$310
501(g)	remove, destroy or deface any Park Infrastructure	\$250	\$500
501(h)	Fire not in designated fire pits	\$155	\$310
501(i)	Plant all or any portion of a tree on Park land	\$155	\$310
501(j)	Remove, move, prune, cut, debark or penetrated a Town Tree	\$155	\$310
501(k)	Secure an object to a Town Tree	\$155	\$310
501(l)	Cause projectile to be airborne on Park land	\$155	\$310
501(m)	Set off, launch or operate any airborne device on Park land	\$155	\$310
501(n)	Allow dog to be within a play structure	\$155	\$310
501(o)	Urinate or defecate outside of facility provided	\$155	\$310
501(p)	Disposal of refuse or debris not in receptacle	\$155	\$310
501(q)	Disposal of domestic garbage in Park or Park receptacle	\$155	\$310
501(t)	Removal of soil which may cause erosion	\$155	\$310
601 (a)	Interference with Park Vegetation	\$155	\$310
601(b)	Plant vegetation in Park	\$155	\$310
601(c)	Traverse vegetation where prohibited	\$155	\$310
601(d)	Traverse planter, garden, flower or shrub bed	\$155	\$310
601(e)	Interference with mineral substance	\$155	\$310
701(a)	Erect structure	\$155	\$310
701(b)	Construction or building operation in Park	\$155	\$310
701(c)	Interference with Park Infrastructure	\$155	\$310
904	Person in Park that is closed	\$155	\$310
1101(a)	Operation of a motor vehicle in a Park	\$155	\$310
1101(b)	Operation of a off-highway vehicle in a Park	\$155	\$310
1201	Entrance into Storm Water Management Facility	\$155	\$310
1202	Operated a floating craft on Storm Water Management Facility	\$155	\$310
1203	Entrance onto or into a body of water which flows, adjacent or located within a Park	\$155	\$310
1204	Operation of a motorized boat on a body of water which flows, adjacent or located within a Park	\$155	\$310