

# SUMMER VILLAGE OF LAKEVIEW

## BY-LAW NO. 158

### OPEN SPACE AREA BY-LAW

Being a By-Law of the Summer Village of Lakeview to regulate the use and operation of open space areas within the Summer Village of Lakeview.

WHEREAS; pursuant to the provisions contained in the Municipal Government Act S.A. 1994, c. M-26.1 and amended, Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and respecting people, activities and things in, on or near a public place that is open to the public;

AND WHEREAS Council wishes to pass a bylaw to regulate and control the use and operation of certain Open Space Areas within the Summer Village of Lakeview;

The Council of the Summer Village of Lakeview in Council, duly assembled, hereby enact as follows:

1. TITLE

This By-Law may be cited as the "Open Space Area By-Law".

2. DEFINITIONS

In this By-Law unless the context otherwise requires:

1. "BEACH AREA" shall mean the beaches and shores of Wabamun Lake within the Village.
2. "CAMPGROUND" shall mean an Open Space Area which has been designated by the Chief Administrator Officer, as a site on which daytime or overnight camping is permitted.
3. "CHIEF ADMINISTRATIVE OFFICER" shall mean the Chief Administrative Officer of the Village or the Chief Administrative Officer's duly authorized designate or designates.
4. "COUNCIL" shall mean the Council of the Summer Village of Lakeview.
5. "DEVELOPMENTS" shall mean any building, improvement, structure or equipment constructed or placed on, in, over, or under land.
6. "EDUCATION AUTHORITY" shall mean the Board of Education of the County of Parkland No. 31 and/or the Evergreen Catholic Separate Regional Division No. 2.

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7. "FIREARMS" shall mean any instrument used in the propulsion of shot, shells or bullets including, but not limited to, air guns, sling shots, bows, crossbows, or a catapult.
8. "HIGHWAY" shall mean a highway as defined in the *Highway Traffic Act*, R.S.A. 1980 c.H-7, as amended.
9. "OPEN SPACE AREA" shall mean any of the following:
  1. Any land in the Village which is developed, used, leased, controlled or managed by the Village as a public park, sports field, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the Village which are jointly controlled or managed by the Village for any of the purposes previously described;
  2. Any land acquired by the Village through the subdivision process as reserve;
  3. Any land used as highway buffer strip, whether on a permanent or temporary basis;
  4. Any land designated by resolution of Council as an Open Space for the purposes of this By-Law; and
  5. Any land developed by the Village as a pathway in the Village.
10. "PATHWAY" shall include any multiple-use path whether of asphalt, concrete, or shale surface.
11. "PATHWAY USER" shall mean any person travelling on a pathway and shall include, but not limit to persons walking, or jogging and persons using bicycles, roller skates,, in-line skates, skateboards, skis of any type and wheelchairs of any type.
12. "PEACE OFFICER" shall mean a member of the R.C.M.P, and/or a By-Law Enforcement Officer.
13. "PERSON" shall mean any corporation, firm, professionals, association, or registered company, as well as a natural person.
14. "ROADWAY" means that part of a Highway intended for use by vehicular traffic.
15. "VEGETATION" shall include all trees, shrubs, plants, flowers, and natural grass, and all ground cover, whether it is in its wild or natural state.

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16. "VEHICLE" shall mean a "Motor Vehicle" as defined by the *Highway Traffic Act*, and/or "Off-Highway Vehicle" as defined in the *Off-Highway Vehicle Act*, R.S.A. 1980, c0-4, as amended.
17. "VILLAGE" shall mean the Municipal Corporation of the Summer Village of Lakeview.
18. "VIOLATION TAG" shall mean a tag or similar document issued by the Village pursuant to the *Municipal Government Act*, S.A. 1994, c.M-26.1, as amended.
19. "VIOLATION TICKET" means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, S.A. 1988, c.P-21.5, as amended, and Regulations thereunder.

### 3. APPLICATIONS

1. This By-Law shall apply to all Open Space Areas in the Village, subject, however, to the exceptions provided in any statute of the Province of Alberta or any agreement entered into by the Village affecting any Open Space Area or part thereof.
2. The CAO shall have general supervision, charge and control of the management and operation of Open Space Area in accordance with policies adopted by Council.

### 4. FIREARMS

While in an Open Space Area no person shall, without prior written approval from the CAO; carry or discharge any firearms of any description.

### 5. DANGEROUS OBJECTS

While in an Open Space Area no person shall, except in an area designated for that purposes or unless prior written approval has been obtained from the CAO;

1. carry or discharge any fireworks or explosives in, on, to or across an Open Space Area;

### 6. DAMAGE TO PROPERTY

While in an Open Space Area no person shall:

1. destroy, damage, deface, or remove, any vegetation or public equipment, park furniture, boathouses, storage sheds, docks, or shelters.

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7. CONSTRUCTION

While in an Open Space Area no person shall:

1. initiate the construction of any development without prior written authorization of the CAO, SEE Section 33 of the Summer Village of Lakeview Land Use Bylaw No. 154.

8. REMOVALS

The CAO, a Peace Officer, or any other person authorized by Council to enforce this By-Law, may remove or have removed from an Open Space Area any person that violates any provision of this By-Law and that has refused to leave immediately after being requested to do so.

9. LITTER CONTROL

1. Picnic litter must be placed in the receptacles provided.
2. No person shall deposit, dump or leave in any Open Space Area, any refuse or debris of any kind.

10. CONDUCT

1. No person shall use or make any boisterous noise, blasphemous, vulgar or insulting language or be guilty of any disorderly, loud or lascivious conduct of any kind while in any Open Space Area or engage in any activity which is likely to lead to a breach of the peace or the inconvenience or disturbance of any persons using an Open Space Area.
2. No person shall possess or consume alcoholic beverages in an Open Space Area.

11. FIRES

While in an Open Space Area no person shall,;

1. start or permit to be started, any fires of any type, including barbecue, etc. unless it is confined to fireplace or appliances provided in the Open Space Area for that purpose, or in any portable appliance, and then only at such locations within an Open Space Area as designated and permitted by the CAO;
2. use any fuel for a fire in an Open Space Area other than seasoned wood, charcoal, natural gas or propane;

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12. VEHICLES

1. All persons shall operate a vehicle, in an Open Space Area except on a roadway.

*Handwritten: No*  
2. All persons shall park a vehicle, in an Open Space Area except in an area designated for parking.

*Handwritten: No*  
3. All persons shall control their vehicle speed and exercise due care and attention, having due regard for safety of others.

*Handwritten: No*  
13. PATHWAYS

*Handwritten: No person shall operate an off highway vehicle within the Village.*  
All pathways users shall share the Pathway with all users, control speed and exercise due care and attention, having regard for safety of others on Pathway.

14. CAMPING

No person shall set up a tent or take any abode in an Open Space Area.

15. PARK USE

The CAO hereby authorize to temporarily close an Open Space Area or any part thereof to public use.

16. PARK HOURS

The CAO hereby authorize to establish hours of operation for each Open Space Area or Areas.

17. BEACH AREA (SPECIFIC)

1. No person shall possess or consume alcohol in the Beach Area.

2. No person shall start to permit to be started a fire in the Beach Area.

3. No person shall park or permit to be parked a Vehicle in the Beach Area, except when a current Parking Pass issued by the Village is displayed on the Vehicle's dashboard. The Parking Pass must correspond to a legal landowner in the Village, and that Person shall be responsible for the conduct and/or damage caused by the operator of any Vehicle displaying the said Parking Pass.

4. Any Person opening the beach gate must lock it immediately after it is opened.

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5. No Person shall operate a Vehicle in excess of 5 kilometres per hour in the Beach Area.
6. Any Person launching a water craft shall do so on the southside of the pier in the Beach Area.
7. A watercraft is permitted to be tied to the pier for two hours only. No overnight or long-term storage is permitted.
8. No overnight or long-term storage is permitted in the Beach Area.
9. No Person shall fish off the pier except on the south side of the pier.
10. All children under the age of 16 must be accompanied by an adult while in the Beach Area.
11. No Person shall water ski off the end of the pier in the Beach Area.

18. PARK HOURS

The CAO is hereby authorized, from time to time, establish hours of operation for each Open Space Area or Areas.

19. ISSUE OF TICKETS

1. Violation Tags

- (a) A Peace Officer is hereby authorized and empowered to issue a 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 Violation Tag may be issued to such person:
  - (i) Either personally;
  - (ii) Mailing a copy of such person of his last known post office address, or
  - (iii) If upon a corporation, by serving the Violation Tag personally upon the manager, secretary or other executive officer or person apparently in charge of a branch office, or by mailing a copy to such person by registered mail.

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- (c) The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - (i) The name of the owner;
  - (ii) The municipal and legal description of the land;
  - (iii) The offence;
  - (iv) The appropriate penalty for the offence as specified in this Bylaw;
  - (v) That the penalty shall be paid within 15 days of the issuance of the violation tag; and
  - (vi) Any other information as may be required by the Chief Administrative Officer, or by the provisions of the *Municipal Government Act*, or *Provincial Offences Procedure Act*, as amended.
- (d) Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided, however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- (e) Where a Violation Tag is issued pursuant to Section 1(a) or 1(d) of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village Treasurer the penalty specified on the Violation Tag.
- (f) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

2. Violation Tags

- (a) In those cases where a Violation Tag has been issued and if the penalties specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, S.A., 1988, c.P-21.5, as amended, or as repealed and replaced from time to time.
- (b) Notwithstanding Section 2(b) of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to any person who the

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Peace Office has reasonable grounds to believe has contravened any provision of this Bylaw.

- (c) A Violation Ticket issued pursuant to this Bylaw shall be issued in the form and manner specified by the *Provincial Offences Procedure Act* and any regulations thereunder.

20. PENALTY

1. A person who contravenes any provision of this By-Law, is guilty of an offence and is liable upon summary convictions to a fine not less than Fifty Dollars (\$50.00) or not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) for any offence under this By-Law.
2. Nothing in the By-Law shall be construed to curtail or abridge the right to prosecute an action for damages by reason of injuries suffered to any Open Space Area resulting from the contravention of any of the provisions of this By-Law, and any other Village By-Law or provincial statute.

21. INTERPRETATIONS

1. Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.
22. This By-Law shall come into force and take effect on the date of final passing thereof.

First Reading Carried October 4th, 2000.

Second Reading Carried July 7th, 2000. \*

Third Reading Carried July 7th, 2000. \*

  
Mayor  
Councillor  
Chief Administrative Officer

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**SCHEDULE "A"**

Amounts which will accepted by the Village in lieu of prosecution.

**NOTE:** Voluntary payments will not be accepted by the Village where damage in excess Fifty Dollars (\$50.00) has resulted from the violation and a court appearance will be necessary.

<b>SECTION</b>	<b>VIOLATION</b>	<b>PENALTY</b>
<b><u>FIREARMS</u></b>		
6.0	Carrying or discharging firearms.	\$ 50.00
<b><u>DANGEROUS OBJECTS</u></b>		
7.1	discharging fireworks or explosives.	\$ 50.00
<b><u>DAMAGE TO PROPERTY</u></b>		
8.1	Destroying, damaging or removing vegetation and / or development.	\$100.00
8.2	Construction without permit	\$100.00
<b><u>LITTER CONTROL</u></b>		
10.1	Littering.	\$ 50.00
10.2	Dumping of refuse or debris.	\$100.00
<b><u>CONDUCT</u></b>		
11.1	Public Nuisance.	\$ 50.00
11.2	Consumption of alcohol.	\$ 50.00
<b><u>FIRES</u></b>		
12.1	Starting fires in Open Space Areas.	\$ 50.00
12.2	Use of non-permitted fuel.	\$ 50.00
<b><u>VEHICLES</u></b>		
13.1	Operating motor vehicles in a restricted area.	\$ 50.00
13.2	Parking motor vehicle in a restricted area.	\$ 50.00

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13.3 Careless Driving \$ 50.00

**PATHWAYS**

14.0 Failure to follow pathway regulations. \$ 50.00

**CAMPING**

16.0 Camping without permission. \$ 50.00

**PARK HOURS**

18.1 Entering Open Area Space outside of the designated hours of operation. \$ 50.00

**GENERAL**

Disobeying regulations or any other provisions of this By-Law. \$ 50.00  
General minimum penalty. \$ 50.00