



**BYLAW NO. 2012-926
OF THE
TOWN OF TWO HILLS**

**BEING A BYLAW OF THE TOWN OF TWO HILLS, IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR THE CONTROL AND REGULATION OF THE PUBLIC USE OF
PARKS, ATHLETIC GROUNDS, AND RECREATIONAL AREAS**

WHEREAS the Municipal Government Act, RSA 2000, Chapter M-26, as amended, provides that a Council may pass Bylaws related to the control and operation of Parks, athletic grounds, open space areas and related structures and equipment;

WHEREAS the parks, athletic grounds and public open spaces are provided for the safe and peaceful enjoyment of the general public; and

WHEREAS it is deemed desirable and in the public's interest for the Town to provide for the control of, protection of, and public use of Parks, athletic grounds, and facilities.

NOW THEREFORE, the Council of the Town of Two Hills, in the Province of Alberta, duly assembled, enacts the following:

Part 1 - SHORT TITLE

1.1 This bylaw may be cited as "The Parks Bylaw."

Part 2 - DEFINITIONS

In this Bylaw:

2.1 "Campsite" means an area designated for daytime or overnight camping.

2.2 "Camping Accommodation Unit" means

- 2.2.1 a tent,
- 2.2.2 a trailer,
- 2.2.3 a motor home,
- 2.2.4 a van, or
- 2.2.5 a truck camper

used by a person as shelter equipment while camping.



- 2.3 “Council” shall mean the Council of the Town of Two Hills;
- 2.4 “Domestic Animal” shall have the same meaning as the Town of Two Hills Animal Control Bylaw;
- 2.5 “Garbage” means bottles, metal cans or tins, crockery, glass, grass cuttings and other garden refuse, cloth, paper, food and food waste, wrappings, sweepings and other items of household refuse;
- 2.6 “Highway” means a Highway as defined in the Highway Traffic Act R.S.A. 1980, c. O-4, as amended or repealed and replaced from time to time;
- 2.7 “Litter” means any miscellaneous waste items of all sorts including but not limited to match sticks, empty packages, cigarette butts, loose paper, bags, boxes, shavings and similar light material of any form that may be blown about or carried off by a gust of wind, gum, wrappers, paper or plastic cups, bottles, broken glass and all materials which when discarded, dropped, placed, blown or carried onto a sidewalk, street, boulevard, lane, park, public place or private premises, contributes to untidiness and detracts from Town cleanliness;
- 2.8 “Manager” means the Chief Administrative Officer of the Town of Two Hills or his/her designate for the Town of Two Hills;
- 2.9 “Motor Vehicle” shall mean any vehicle propelled by any power other than muscular power as defined in the Highway Traffic Act;
- 2.10 “Nuisance” means drunkenness; use of obscene language, offensive or insulting language, fighting or disorderly conduct, disruptive partying, excessively loud music, or someone or something being disruptively noisy;
- 2.11 “Off-Highway Vehicle” shall have the same meaning as defined in the Off-Highway Vehicle Act;
- 2.12 “Park” shall include:



- 2.12.1 any land developed, used or managed by the Town as a public Park, sport athletic field, playground, tennis court, skateboard park, recreational area or facility, the leasehold title of, or license of occupation of which is vested in the name of the Town;
 - 2.12.2 any land acquired by the Town through subdivision as Municipal Reserve or Environmental Reserve unless otherwise directed by Council;
 - 2.12.3 any structure under the control of the Town including arenas, Town Hall, or any other buildings in which the public is permitted to access;
 - 2.12.4 any land provided for and developed as vehicular parking lots at Parks;
 - 2.12.5 any land designated by resolution of Council as a Park for the purpose of this Bylaw;
 - 2.12.6 any land developed by the Town as a pathway in its trail systems and any Town owned property abutting the pathway;
 - 2.12.7 any land within the Municipal Boundaries of the Town of Two Hills that is not privately owned or leased;
 - 2.12.8 any land acquired by the Town as Municipal Reserve, Public Utility, or Environmental Reserve as those terms are used in the Planning Act R.S.A. 1980, c. P-9, as amended or repealed and replaced from time to time;
- 2.13 “Peace Officer” means:
- 2.13.1 a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act S.A. 1994 c. M-26.1, as amended;
 - 2.13.2 a Special Constable pursuant to the Police Act, S.A. 1988, c. P-12.01 as amended and regulations;
 - 2.13.3 a member of the Royal Canadian Mounted Police;



- 2.14 "Person" shall mean any individual, corporation, firm, partnership, association, body corporate, company, or society, but unless the context otherwise requires, does not include the Town, or its employees;
- 2.15 "Roadway" means a Roadway as defined in the Highway Traffic Act;
- 2.16 "Town" shall mean the corporation of the Town of Two Hills, in the Province of Alberta;
- 2.17 "Vehicle" shall have the same meaning as in the Highway Traffic Act;
- 2.18 "Vegetation" shall mean all trees, shrubs, plants, flowers, and grass, or all ground cover, whether it is in its wild or natural state, or has been planted;
- 2.19 "Waste" shall have the same meaning as the Town of Two Hills Waste Control Bylaw.
- 2.20 "Unlawful Assemblies" an assembly of three or more persons, who with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighborhood of the assembly to fear on reasonable grounds, that they:
- 2.20.1 will disturb the peace tumultuously; or
 - 2.20.2 will by that assembly needlessly and without reasonable cause provide other persons to disturb the peace tumultuously.

Part 3 - RESPONSIBILITIES AND AUTHORITIES

- 3.1 It shall be the responsibility of the Manager to oversee the provisions of this Bylaw. The Manager shall be the final authority on the following:
- 3.1.1 supervision, regulation, charge, control and management of the Parks;
- 3.2 Council or a Peace Officer may:
- 3.2.1 establish hours of operation and use of the Parks or outdoor recreation area;
 - 3.2.2 temporarily close off all or any portion of a Park or outdoor recreation area at any time;



- 3.2.3 designate "No Smoking" areas in a Park or outdoor recreation area or any part thereof.
- 3.3 The Manager may, upon written request, issue a permit to a Person for the purpose of suspending the provisions of this Bylaw and the permit shall specify the dates, hours, and conditions during which suspension may occur.
- 3.4 This Bylaw does not apply to work carried on by the Town or its agents, contractors, servants, or employees, acting within the scope of their agency, contract, or employment as the case may be.

Part 4 - HOURS

- 4.1 All Parks indicated by a sign shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m.
- 4.2 No Person shall enter into or remain in a Park or part thereof that is closed.
- 4.3 Any Person in a Park after it is closed may be:
 - 4.3.1 requested to leave by a Peace Officer;
 - 4.3.2 issued a Violation Ticket;
- 4.4 Any Person who refuses to leave a Park after having been asked to do so by a Peace Officer or who has been issued a Violation Tag or Violation Ticket for a contravention of this Bylaw may be removed from the Park in accordance with this or any other applicable Federal or Provincial legislation.
- 4.5 No person shall be in violation of Section 4.1 or 4.2 if they are staying overnight in a designated campsite with a camping accommodation unit.
- 4.6 No Person shall be in violation of Section 4.2 if they are attending a function or event approved by the Manager and are complying with a permit that may be issued for that event or function.



Part 5 - SIGNS

- 5.1 No Person shall disobey a Town sign, erected for the purpose of governing the use of the Park.

Part 6 - DAMAGE

- 6.1 No Person shall damage, deface, destroy, mark, burn, move, remove, or otherwise interfere with:
 - 6.1.1 a structure, fence, building, wall, bench, exhibit, fixture, improvement, sign, or any other property located in the Park;
 - 6.1.2 vegetation, soil, sand, gravel, wood, or any other material located in the Park.
- 6.2 No person shall attach to a tree any rope, wire, chains or any other device whatsoever while being camped in a park or outdoor facility.
- 6.3 No Person shall climb on to, or over top of, any fence, building, tree or structure in a Park.
- 6.4 No person shall walk, sit or stand in any planting bed in or upon any park or outdoor recreation area.

Part 7 - CONDUCT

- 7.1 No Person shall in any way obstruct the reasonable use or enjoyment of a Park or open space by any other Person.
- 7.2 No Person shall use or make any persistent, excessive noise, blasphemous, vulgar or insulting language or be disorderly, lewd, or use lascivious, destructive or harassing conduct of any kind while in a Park, or engage in any activity which is likely to lead to the inconvenience, or disturbance, of any Persons using a Park.
- 7.3 No Person shall engage in any activity in the Park which does or may:
 - 7.3.1 injure any other Person using the Park;
 - 7.3.2 be incompatible with other designated uses of the Park;
 - 7.3.3 interfere with any other Person's lawful use of the Park.



7.4 No Person shall:

- 7.4.1 propel a golf ball in, into, or out of;
- 7.4.2 launch any projectile of a harmful nature in;
- 7.4.3 use a slingshot in;
- 7.4.4 cause, or allow to cause, any noise which disturbs the lawful use of the Park by other Persons in;
- 7.4.5 swear or use foul language in;

any Park.

7.5 No Person shall, without a permit:

- 7.5.1 discharge, or ignite any fireworks or other items of an explosive nature;
- 7.5.2 operate an amplified or loudspeaker device;
- 7.5.3 make a public address, demonstrate, and do anything that may cause a public gathering;
- 7.5.4 take part in any unlawful assembly;
- 7.5.5 place or erect any signs or billboards for the purpose of advertising or information;
- 7.5.6 distribute any handbills, pamphlets, advertising or printed information;
- 7.5.7 operate any remote or radio controlled object;
- 7.5.8 offer for sale or sell any goods or services; in a Park.

7.6 No Person shall consume or display alcohol in a park or outdoor recreation area unless the alcohol is consumed or displayed in the person's individual campsite.

7.7 No person shall enter or remain in a park or outdoor recreation area while intoxicated.

7.8 No person shall bath or clean clothing, fish, cooking or eating utensils, vehicles or other equipment or objects at or near a drinking fountain, stand pipe, well or pump in any Park or outdoor recreation area.

Part 8 - VEHICLES

8.1 No Person or owner of a Vehicle shall operate, allow to be operated, park or allow to be parked, a Vehicle in a Park except:



- 8.1.1 on a Roadway allowed for such use;
- 8.1.2 in an area of the Park allowed for that purpose.
- 8.2 No Person or owner of an Off Highway Vehicle shall operate or allow to be operated any such vehicle where prohibited.
- 8.3 No Person shall operate a bicycle, skateboard, or rollerblades:
 - 8.3.1 in any Park or area prohibited by a sign;
 - 8.3.2 so that it damages or disturbs Vegetation;
 - 8.3.3 in excess of 20 km/hour; in a Park.
- 8.4 A Peace Officer may prohibit the entry of a Motor Vehicle or Off-Highway Vehicle into any part of any Park.

Part 9 - ANIMALS

- 9.1 No Person shall bring into or permit to enter a park or outdoor recreation area, an animal unless it is under that person's custody or control except:
 - 9.1.1 a dog or cat that is in a cage or is restrained by a leash, chain or other device that is not greater than 2 meters in length;
 - 9.1.2 a horse or beast of burden that is within an area of land that has been established for equestrian use;
 - 9.1.3 an animal that has been authorized to enter a park or outdoor recreation area by a Peace Officer or Manager; or
 - 9.1.4 a dog or cat that is in a designated free-run area.
- 9.2 Dogs may be off leash only in areas designated for that purpose under the following conditions:
 - 9.2.1 the dog is supervised by a competent Person who is 14 years of age or older;
 - 9.2.2 the dog is within range of audible commands;
 - 9.2.3 the dog comes when it is called;
 - 9.2.4 the dog does not chase, harass, or kill any wild animals or birds;
 - 9.2.5 the dog does not chase, bother, interfere or attack any Persons or domestic animals.



- 9.3 No person having custody or control of an animal shall bring into or allow an animal to enter or remain in any children play area surrounded by a sand pit or any vegetation.
- 9.4 No Person shall remove, tease, molest, trap, injure, kill, disturb or harass any animal or disturb the eggs or young of such animals, or throw any substance or article at, or near, such creatures in any way to cause them alarm, or possible injury.

Part 10 - FIRES

- 10.1 No Person shall start or tend to:
 - 10.1.1 any fires in contravention of the Town Fire Bylaws;
 - 10.1.2 any fires except those fully contrived in designated fire receptacles provided for such use.
- 10.2 No Person shall:
 - 10.2.1 leave a fire unattended;
 - 10.2.2 deposit or dispose of hot coals, ashes, embers or other burning or smoldering material in a place other than a stove, fireplace, pit or other place or facility provided for that purpose.
- 10.3 Upon the completion of any fire use, the originator or any Persons attending the fire must ensure that the fire is extinguished to the point that no heat is radiating from the fire receptacle, charcoal, ashes, or remains.
- 10.4 Where a Manager, Fire Chief or Peace Officer is in the opinion that a fire hazard exists in a Park or outdoor recreation area the Manager, Fire Chief or Peace Officer may erect signs and notices for that purpose, to prohibit the setting, lighting or maintaining of fires in all or part of a Park or outdoor recreation area.
- 10.5 No person shall remove any firewood from any Park or outdoor recreation area.

Part 11 - CAMPING

- 11.1 No Person shall erect, maintain, or occupy a tent, shelter, building, or structure in any Park.



- 11.2 No Person shall camp or otherwise take up temporary overnight residence in any Vehicle, camper, trailer, motorhome or other recreational vehicle in a Park, or on a Highway adjacent to a Park.
- 11.3 No Person, operator, or owner of a vehicle shall deposit, allow, or cause to be deposited any fluid, liquid Waste, or sewage onto the ground in any Park or on any Highway adjacent to a Park.
- 11.4 No person shall be in violation of Section 11.1 or 11.2 if they are staying overnight in a designated campsite with a camping accommodation unit.

Part 12 - LITTER

- 12.1 No Person shall deposit any Waste, litter, garbage, material, article or item, the whole or a part thereof anywhere except in a garbage can or Waste receptacle provided for that purpose.
- 12.2 In areas of the Park or outdoor recreation area where waste disposal receptacles or areas are not provided, Waste shall be carried out of the area for disposal in an appropriate waste receptacle.
- 12.3 No person shall bring commercial or residential Waste into a Park or outdoor recreation area for disposal.

Part 13 - POWERS OF A PEACE OFFICER

- 13.1 A Peace Officer may, for the purposes of administering this Bylaw:
- 13.1.1 enter on and inspect any land, road, facilities or work in a Park or outdoor recreation area;
 - 13.1.2 enter any tent, structure, or Vehicle within the Park in order to facilitate the safe removal of the tent, structure or Vehicle in relation to a contravention of this Bylaw.
 - 13.1.3 order the repair, alteration, improvement, evacuation or removal of or addition to any authorized facilities or work in a park or outdoor recreation area;



13.1.4 order any person in a park or recreation area to cease or refrain from an action, omission, nuisance or conduct that in the opinion of the Peace Officer is dangerous to life or property or detrimental to the use and enjoyment of the park or outdoor recreation area by other persons;

13.1.5 remove from a park or outdoor recreation area

13.1.5.1 any person making an unauthorized use of the park or outdoor recreation area,

13.1.5.2 any person failing to comply with any provisions of this Bylaw,

13.1.5.3 any person creating a nuisance or disturbance or committing a trespass or any undesirable act, or

13.1.5.4 any tent, item, or article, that appears to be abandoned by the owner thereof or in relation to a contravention of this Bylaw.

13.2 A Peace Officer may verbally or in writing direct any Person who:

13.2.1 has caused; or,

13.2.2 is allowing the continuation of;

a contravention of any section of this Bylaw to cease and/or rectify the contravention.

13.3 Any tent, item, or article, removed pursuant to Section 13.1.5 may be stored for 30 days then disposed of in a manner deemed appropriate by the Manager. The Town or Peace Officer who removes or causes to be removed a tent, item or article and places it into storage, shall not be responsible for it during the removal and storage in the event that damage occurs to the tent, item or article.

13.4 Any owner or persons in charge of any tent, item or article pursuant to sections 13.3, 13.4 and 13.5 shall pay the appropriate impound and storage fees set out in "Schedule B".

13.5 A Peace Officer may remove, or cause to be removed, any Vehicle in relation to a contravention of this Bylaw. Any Vehicle towed shall be stored, released, or disposed of, in the same manner as prescribed in the Highway Traffic Act or the Motor Vehicle Administration Act.



Part 14 - OFFENCES AND PENALTIES

14.1 Any Person who contravenes any provision of this Bylaw by:

- 14.1.1 doing something they are prohibited from doing;
- 14.1.2 failing to do something they are required or requested to do;
- 14.1.3 doing something in a manner different from that in which they are requested, required, or permitted to do;

is guilty of an Offence and liable upon Summary Conviction to:

- 14.1.1.1 a fine set out in Schedule "A";
- 14.1.1.2 a maximum fine of Five Thousand Dollars (\$5000.00).

14.2 Any Person found in default of payment of any fine pertaining to this Bylaw is liable to imprisonment for a period of not more than one year.

14.3 The amount specified as a fine shall be exclusive of and in addition to any costs incurred for the repair of the damage to a Park, or assets of the Park.

14.4 Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Town to obtain compensation or to maintain an action for loss of or damage to property from or against the Person responsible.

Part 15 - VIOLATION TAGS

15.1 A Peace Officer may 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.

15.2 A Violation Tag may be issued to such Person:

- 15.2.1 either personally; or,
- 15.2.2 by mailing a copy to such Person at his last known post office address; or,
- 15.2.3 by leaving a copy with the Vehicle when the offence involves a Vehicle.



- 15.3 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags or Violation Ticket, may be issued by a Peace Officer, provided that no more than one Violation Tag, or Summons shall be issued for each calendar day that the contravention continues.
- 15.4 Where a Violation Tag is issued pursuant to this Bylaw the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Town of Two Hills the penalty specified on the Violation Tag.
- 15.5 Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

Part 16 - VIOLATION TICKETS

- 16.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Peace Officer may issue a Violation Ticket, pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5.
- 16.2 If the penalty specified on a Violation Tag that is issued to a Vehicle is not paid within the prescribed time period, then a Peace Officer may issue a Violation Ticket to the owner of the Vehicle pursuant to Part III of the Provincial Offences Procedure Act S.A. 1988, c. P-21.5.
- 16.3 Notwithstanding Section 16.1 of this Bylaw, a Peace Officer may immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences and Procedure Act, S.A. 1988, c. P-21.5, as amended, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

Part 17 - SEVERABILITY PROVISIONS

- 17.1 Should any provision of this Bylaw be found invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

Part 18 - REPEALS

- 18.1 The Town of Two Hills Bylaw No. 2000-790 is hereby repealed.



Part 19 - EFFECTIVE DATE

19.1 This Bylaw shall come into effect on the third and final reading.

READ a first time this 24th day of September, 2012.

READ a second time this 24th day of September, 2012.

READ a third time and finally passed this 24th day of September, 2012.

TOWN OF TWO HILLS

ELAINE SOROCHAN, MAYOR

ELSIE HOWANYK, C.A.O.



Schedule "A"

Section	Particulars	Minimum Specified Penalty
	Enter into/remain in a Closed Park	\$100
	Disobey a Sign	\$100
	Damage/Vandalism of property, buildings, etc.	\$200
	Damage/Vandalism of Vegetation, soil, etc.	\$200
	Climbing on fences, buildings, trees, structures, etc.	\$100
	Engaging in activity that could, or does injure others	\$100
	Improper use of a Park	\$100
	Interfere with others use of the Park	\$100
	Propel a golf ball in a Park	\$50
	Launch a harmful projectile	\$50
	Use a slingshot	\$50
	Noise disturbing others	\$100
	Swear or use foul language	\$100
	Discharge fireworks	See Fireworks Bylaw
	Operate a loudspeaker device	\$100
	Cause a public gathering/demonstration	\$100
	Participate in unauthorized public gathering	\$100
	Erect a sign	\$100
	Distribute handbills, advertising	\$50
	Sell goods or services	\$100
	Vehicle/trailer in unauthorized area	\$50
	Unlawful Off-Highway Vehicle use	\$75
	Operate Bicycle in prohibited area	\$50
	Damage or disturb Vegetation with a bicycle	\$200
	Bicycle in excess of 20 km/hr	\$75
	Dog/Domestic Animal/Horse/Livestock in prohibited area	\$150
	Dog in off leash area	\$200
	Dog outside of audible command range	\$100



Dog does not come when called	\$100
Dog chases, harasses, or kills wild animals	\$250
Other animal related	See Animal Bylaw
Tease, molest, kill, harass any animal	\$100
Fire related	See Fire Bylaw
Erect/maintain/occupy a tent or a shelter	\$100
Camp in a vehicle/trailer	\$100
Fluid/sewage deposited on ground	\$150
Littering	\$100
Fail to obey Peace Officer	\$200

Schedule "B"

<u>Tent, item or article</u>	<u>Fees</u>
Impoundment	\$50.00
Storage (per day or portion thereof to commence at the time of impoundment)	\$10.00

