

# **THE CITY OF SPRUCE GROVE**

## **BYLAW C-910-15**

### **OPEN SPACE AREA BYLAW**

Being a bylaw of the City of Spruce Grove to regulate and control the use and operation of open space areas within the City of Spruce Grove.

WHEREAS, pursuant to the provisions contained in the *Municipal Government Act* R.S.A. 2000,c.M-26 and amendments thereto, Council may pass bylaws respecting all matters pertaining to control and operation of parks, campgrounds, athletic grounds and exhibition grounds; and

WHEREAS, Council wishes to pass a bylaw to regulate and control the use and operation of certain open space areas within the City of Spruce Grove;

NOW THEREFORE, the Council of the City of Spruce Grove, duly assembled, hereby enacts as follows:

#### **1. TITLE**

- 1.1. This bylaw may be cited as the "Open Space Area Bylaw".

#### **2. DEFINITIONS**

In this bylaw, unless the context otherwise requires:

- 2.1. "Bicycle" shall mean a bicycle as defined in the *Traffic Safety Act* R.S.A.2006, as amended, (hereinafter referred to as the "*Traffic Safety Act*").
- 2.2. "Campground" shall mean an open space area which has been designated, by the Manager, as a site on which daytime or overnight camping is permitted.
- 2.3. "City" shall mean the municipal corporation of the City of Spruce Grove in the Province of Alberta.
- 2.4. "Council" shall mean the municipal council of the City of Spruce Grove.
- 2.5. "Development" shall mean any building, improvement, structure or equipment constructed or placed on, in, over or under land.
- 2.6. "Education authority" shall mean the Board of Education of the Parkland School Division No. 70 and/or the Evergreen Catholic Separate Regional Division No. 2.

- 2.7. "Manager" shall mean the City Manager who is the administrative head of the City of Spruce Grove, or his or her duly authorized designate or designates.
- 2.8. "Firearms" shall mean any firearm or imitation firearm, including but not limited to air guns, sling shots, bows, crossbows, catapults and airsoft.
- 2.9. "Highway" shall mean a highway as defined in the *Traffic Safety Act*.
- 2.10. "Vehicle" shall mean a motor vehicle and/or an off-highway vehicle as defined in the *Traffic Safety Act*.
- 2.11. "Open space area" shall mean any of the following:
- a. Any land in the City which is developed, used, leased, controlled or managed by the City as a public park, sports field, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the City which are jointly controlled or managed by the City and an Educational Authority for any of the purposes previously described;
  - b. Any land acquired by the City through the subdivision process as reserve;
  - c. Any land used as a highway buffer strip, whether on a permanent or temporary basis;
  - d. Any land designated by resolution of Council as an open space area for the purposes of this bylaw; and
  - e. Any land developed by the City as a pathway in its Heritage Grove Pathway System.
- 2.12. "Pathway" shall include any multiple-use path.
- 2.13. "Pathway user" shall mean any person travelling on a pathway and shall include, but not limited to persons walking, or jogging and persons using bicycles, roller skates, in-line skates, skateboards, skis of any type and wheelchairs of any type.
- 2.14. "Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, or a City Bylaw Officer.
- 2.15. "Person" shall mean any individual, corporation, firm, partnership, association, society, or registered company.

- 2.16. "Skate" or "skating" shall mean skateboarding, inline skating or roller skating.
- 2.17. "Vegetation" shall include all trees, shrubs, plants, flowers and natural grass, and all ground cover, whether or not it is in its wild or natural state.
- 2.18. "Vehicle" shall mean a motor vehicle as defined in the *Traffic Safety Act*.

### **3. APPLICATION**

- 3.1. This bylaw shall apply to all open space areas in the City, subject however, to the exceptions provided in any statute of the Province of Alberta or any agreement entered into by the City affecting any open space area or part thereof.
- 3.2. The Manager shall have general supervision, charge and control of the management and operation of open space areas in accordance with policies adopted by Council.

### **4. BUSINESS ACTIVITIES**

- 4.1. The Manager may make regulations governing the sale of goods and services in an open space area.
- 4.2. In an open space area, no person shall, without prior written approval from the Manager:
  - a. place or erect any signs for the purposes of advertising;
  - b. distribute any handbills or circulars;
  - c. use any public address system for advertising; or
  - d. sell or offer for sale any refreshments or any goods or services.

### **5. PUBLIC GATHERINGS**

- 5.1. In an open space area no person shall, without prior written approval from the Manager:
  - a. take part in any procession, march, drill, parade or public gathering;
  - b. make a public address or take part in a demonstration; or
  - c. operate any amplifying system or loudspeaker;
- 5.2. Such approval shall not be denied without reason.

## **6. FIREARMS**

- 6.1. While in an open space area no person shall, without prior written approval from the Manager, carry or discharge any firearms of any description.

## **7. DANGEROUS OBJECTS**

- 7.1. While in an open space area no person shall, except in an area designated for that purpose or unless prior written approval has been obtained from the Manager:
- a. carry or discharge any fireworks or explosives of any description in, on, to or across an open space area;
  - b. cast any stones, missiles, or any dangerous object, on, to or across an open space area; or
  - c. propel a golf ball in any manner in, on, to or across an open space area.

## **8. DAMAGE TO PROPERTY**

- 8.1. While in an open space area no person shall:
- a. destroy, damage, deface or remove any vegetation or development;
  - b. walk, stand, sit or lay upon any flower or shrub bed;
  - c. walk, cross, or use any grass, plot, or land where signs have been posted prohibiting such use; or
  - d. initiate the construction of any development without prior written authorization of the Manager.

## **9. REMOVALS**

- 9.1. The Manager, a Peace Officer, or any other person authorized by Council to enforce this bylaw, may remove or have removed any person that violates any provision of this bylaw and who has refused to leave immediately after being requested to do so.

## **10. LITTER CONTROL**

- 10.1. No person shall place or deposit in any open space area, except in a garbage receptacle provided for such purpose, any paper, cardboard, glass, or any other litter of any kind.

- 10.2. No person shall deposit, dump or leave in any open space area, any refuse or debris or any kind which may be offensive or injurious to any other person using such area.

## **11. CONDUCT**

- 11.1. No person shall in any way obstruct the free use or enjoyment of an open space area by any other person or persons.
- 11.2. No person shall disturb others by fighting, screaming, shouting, swearing, singing or using insulting or obscene 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.
- 11.3. No person shall consume alcoholic beverages in an open space area unless the approval in writing of the Manager has been obtained and a permit or approval has been obtained from the Alberta Gaming and Liquor Commission and then only at such locations as may be designated in writing by the Manager and in accordance with any conditions imposed by the Manager.
- 11.4. No person shall smoke any substance in any playground areas, sports fields or dog parks.

## **12. FIRES**

- 12.1. While in any open space area no person shall:
  - a. start or permit to be started, any fire unless it is confined to fireplaces 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 by the Manager;
  - b. use any fuel for a fire in an open space area other than seasoned wood, charcoal, coal, natural gas or propane;
  - c. leave any fire unattended;
  - d. throw or place upon the ground, any burning material or substance within the limits of any open space area without taking the proper precautions to extinguish such material or substance; or
  - e. remove any firewood from any open space area unless it is used specifically in a fireplace provided for fires within that open space area.

### **13. VEHICLES**

- 13.1. No person shall operate a vehicle, in an open space area except on a roadway.
- 13.2. No person shall park a vehicle, in an open space area except in an area designated for parking.

### **14. PATHWAYS**

- 14.1. All pathways users shall:
  - a. share the pathway with all other users;
  - b. keep to the right of centre except:
    - (i) when passing other users travelling in the same direction; or
    - (ii) when turning left off of the pathway onto an intersecting road or pathway;
  - c. control their speed and exercise due care and attention, having due regard for safety of others on pathway;
  - d. warn others by voice, bell, horn or other warning device when passing; and
  - e. yield the right-of-way to slower moving users.

### **15. BICYCLES AND SKATING**

- 15.1. No person shall bicycle or skate within any open space area or in any portion of an open space area where it is prohibited.
- 15.2. No person shall ride a bicycle within any open space area unless such bicycle is equipped with one of the warning devices referred to in Section 60 of the Vehicle Equipment Regulation.

### **16. CAMPING**

- 16.1. No person shall set up a tent or take up any temporary abode in an open space area, unless it is in an area designated for such use by the Manager or with the permission in writing of the Manager.

### **17. PARK USE**

- 17.1. The Manager may temporarily close an open space area or any part thereof to public use.

## **18. PARK HOURS**

- 18.1. The Manager may, from time to time, establish hours of operation for each open space area or areas.

## **19. ISSUE OF TICKETS**

- 19.1. A person is a party to and guilty of an offence who:
- a. actually commits the offence; or
  - b. does or omits an act for the purpose of aiding a person in the commission of an offence; or
  - c. abets a person in the commission of an offence; or
  - d. counsels or procures a person to commit an offence.
- 19.2. Any person who contravenes any provision of this bylaw is guilty of an offence.
- 19.3. Except as otherwise provided in this bylaw, a person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided is liable on summary conviction to a fine as set out in Schedule A attached hereto.
- 19.4. A notice, form, or infraction ticket may be issued by a Peace Officer to any person(s) charged with a breach of any provision of this bylaw.

## **20. PENALTY**

- 20.1. A person who contravenes any provision of this bylaw, is guilty of an offence and is liable upon summary conviction to a fine not less than fifty dollars (\$50.00) or not exceed five thousand dollars (\$5000.00) for any offence under this bylaw, or upon failure to pay the fine, to imprisonment for a period not exceeding six (6) months, unless such fine is sooner paid.
- 20.2. Nothing in the bylaw shall be construed to curtail or abridge the right of the City 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 bylaw, and any other City bylaw or provincial statute.

## **21. EXEMPTIONS**

- 21.1. The following are exempt from the provisions of this bylaw:
- a. The employees, servants and agents of the City or an Education Authority while acting in the course of their employment or duty.
  - b. Any person who has received the prior written permission of the Manager to use the open space area as a temporary access to that person's property or for any other purpose or reason.

## **22. INTERPRETATION**

- 22.1. If a court of competent jurisdiction should declare any section or subsection of this bylaw to be invalid, such section or subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.
- 22.2. In the event of a conflict between any of the provisions of this bylaw, and the provisions of any other bylaw of the City, the provisions of this bylaw shall prevail except where governed by provincial statute.
- 22.3. In the prosecution of an alleged contravention of any of the provisions of this bylaw, the onus of proof that the actions giving rise to the charge where previously authorized, shall lie upon the person charged.
- 22.4. In the prosecution of an alleged contravention of any of the provisions of this bylaw, the status of the open space area lands in question, shall be established upon viva voce testimony of the Manager and the onus of proof that the open space area, upon which the contravention or contraventions are alleged to have occurred, are not lands protected by this bylaw, shall lie upon the person charge with the offence.

## **23. EFFECTIVE DATE**

- 23.1. This bylaw shall come into force and take effect on the date of final passing thereof.

## **24. REPEAL OF BYLAW C-227-94**

- 24.1. Bylaw C-227-94 is hereby repealed.



First Reading Carried 13 April 2015

Second Reading Carried 13 April 2015

Third Reading Carried 25 May 2015

Date Signed 15 June 2015

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Mayor

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City Clerk

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## SCHEDULE A – PENALTIES AND FINES

The collection of all fines will follow the *Provincial Offences Procedure Act*.

### BUSINESS ACTIVITIES

4.2(a)	Erecting signs for advertising	\$100.00
4.2(b)	Distributing handbills or circulars	\$100.00
4.2(c)	Using public address system for advertising	\$100.00
4.2(d)	Selling of goods or services without permission	\$100.00

### PUBLIC GATHERINGS

5.1(a)	Taking part in a procession or public gathering without permission	\$100.00
5.1(b)	Making a public address or taking part in a demonstration without permission	\$100.00
5.1(c)	Operating a amplifying system or loudspeaker without permission	\$100.00

### FIREARMS

6.1	Carrying or discharging firearms	\$250.00
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### DANGEROUS OBJECTS

7.1(a)	Discharging fireworks or explosives	\$250.00
7.1(b)	Casting stones, missiles or other dangerous objects	\$100.00
7.1(c)	Propelling golf balls	\$100.00

### DAMAGE TO PROPERTY

8.1(a)	Destroying, damaging or removing vegetation and/or development	\$250.00
8.1(b)	Walking, standing or sitting on flower or shrub beds	\$100.00
8.1(c)	Walking, crossing or using any grass, plot or land where prohibited	\$50.00
8.1(d)	Development without permit	\$250.00

### LITTER CONTROL

10.1	Littering	\$250.00
10.2	Dumping of refuse or debris	\$250.00

### CONDUCT

11.1	Obstructing free use or enjoyment of Open Space Area	\$250.00
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11.2	Public nuisance	\$250.00
11.3	Consumption of alcohol	\$115.00
11.4	Smoking	\$115.00

**FIRES**

	Starting fires in places other than receptacles provided for such	
12.1(a)	use	\$250.00
12.1(b)	Use of non-permitted fuel	\$50.00
12.1(c)	Leaving a fire unattended	\$250.00
12.1(d)	Discarding burning material within Open Space Area	\$250.00
12.1(e)	Removing firewood from Open Space Area	\$100.00

**VEHICLES**

13.1	Operating motor vehicle in a restricted area	\$172.00
13.2	Parking a motor vehicle in a restricted area	\$100.00

**PATHWAYS**

14.1	Failure to follow pathway regulations	\$50.00
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**BICYCLES AND SKATING**

15.1,2	Failure to follow bicycle and/or skating regulations	\$50.00
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**CAMPING**

16.1	Camping without permission	\$250.00
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**PARK HOURS**

18.1	Entering Open Space Area outside of the designated hours of operation	\$100.00
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**GENERAL**

	Disobeying regulations or any other provision of this bylaw	\$50.00
	General minimum penalty	\$50.00