



BYLAW

BYLAW NO. 1364 / 22

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA FOR THE REGULATION OF PUBLIC PARKS WITHIN THE TOWN OF NANTON.

WHEREAS pursuant to Section 7 (b) of the *Municipal Government Act*, R.S.A 2000 c M-26, and amendments thereto, a council may pass bylaws respecting people, activities and things in, on, or near a public place or place that is open to the public; and

WHEREAS pursuant to Section 7(i) of the *Municipal Government Act*, a council may pass bylaws respecting the enforcement of bylaws made under the Act or any other enactment including any or all of the matters listed therein; and

WHEREAS the purpose of a municipality is to provide services, facilities or other things that, in the opinion of Council are necessary or desirable for all or a part of the municipality;

NOW THEREFORE THE COUNCIL OF THE TOWN OF NANTON, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATION

1. PURPOSE:

- 1.1 The purpose of this Bylaw is to provide regulations pertaining to Parks and amenities owned and operated by the Town of Nanton which enhance the quality of life for the Town of Nanton residents through rest, relaxation, recreation, exercise, enjoyment and peaceful respite.

2. CITATION:

- 2.1 This Bylaw may be cited as the “Parks Bylaw”.

3. DEFINITIONS:

- 3.1 In this Bylaw, unless the context otherwise requires:

Animal means any live creature, both domestic and wild, and includes fowl, fish, and reptiles, but does not include a human;

Camp includes staying overnight in a vehicle, tent trailer, or any other temporary or portable shelter, or under the open sky;

Livestock includes, but is not limited to:

- (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep, or goat,
- (ii) domestically reared or kept deer, reindeer, moose, elk, or bison,
- (iii) farm bred fur bearing Animals including foxes or mink,
- (iv) Animals of the bovine species,

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- (v) rabbits raised for meat,
- (vi) Animals of the avian species intended for human consumption, including chickens, turkeys, ducks, geese, or pheasants, and
- (vii) all other Animals or insects that are kept for agricultural purposes;

excepting specific livestock that may be permitted by Town of Nanton bylaw;

Park means those Parks identified on Schedule "A" of this Bylaw, and any other areas of land set aside and designated for Park use by the Town in its land use bylaws, including all bodies of water and wetlands within;

Permit means the written permission, license, contract or approval form issued by the CAO or their designate to perform a specific activity in a Park;

Pathway means any developed or marked path or trail that was constructed by the Town or on behalf of the Town for the express purpose of moving people throughout the Town;

Playground means the land on which the Town has provided play apparatus;

Violation Ticket has the same meaning as in the Provincial Offences Procedure Act of Alberta;

Watercraft is defined as any personally propelled vehicle used in or on the water. Watercraft will also include any boat propelled by a motor, sail or electrical device.

4.0 RESPONSIBILITIES & AUTHORITIES:

4.1 Rules and Regulations

The Council of the Town of Nanton may at any time make rules and regulations governing the use or types of use of any Park which may be posted on site or filed at the Town's administrative office.

4.2 Chief Administrative Officer

The CAO has the authority at any time to develop administrative policies that affect activities in Parks. These may include closures or permission for events and activities.

4.3 Seizure and Detention

The CAO may direct the removal of any equipment or materials or apparatus in the Parks where no permit exists to allow for these items to be present. The Town is under no obligation to replace or return any of the items removed.

4.4 Business

Council may make policies or bylaws governing the sale of food items, goods or services in a Park. These regulations will govern any associated advertising, marketing, or vending of the product.

4.5 Nature Reserves/Ecologically Sensitive Areas

Council may designate any Park as nature reserves or ecologically sensitive areas and may restrict public access or activity to all or a portion of the said lands. In some cases, specific limitations may be imposed that would be consistent with preservation and use of said lands.



5.0 GENERAL

5.1 Permits

Persons may carry out any activity on Parks, otherwise restricted or prohibited by this Bylaw, provided that:

- (a) A Permit has been issued by the Town for such an activity.
- (b) The person conforms to the rules and conditions as described in their Permit.
- (c) The activity conforms to the area designated by the Town for such activity.
- (d) The activity is permitted by signage.
- (e) Another bylaw of the Town specifically permits the activity.
- (f) Payment is received for the Permit based on the Town of Nanton Fees and Rates Bylaw.
- (g) Acquires in advance any other Permit required to conduct the activity as outlined in the Permit.
- (h) They shall not contravene any term or condition contained in a Permit issued by the Town.
- (i) They shall not interfere or disrupt an activity or function for which a Permit has been issued.
- (j) They shall not enter into a Park where a Permit has been issued without permission of the permit holder.
- (k) No group person or Business shall charge for services, entry, activity, or programs or for admission to a Park unless they have the appropriate Permit and/or Business License, if applicable.

5.2 Access

- (a) No person shall enter any area of a Park to which access by that person is prohibited by either sign or regulation that is in force, including when it is closed or outside the posted hours of operation.
- (b) No person shall Remain in any Park beyond the hours as posted by the Town of Nanton, except those persons having obtained a special event Permit where the hours of use are outlined on the Permit.
- (c) All persons shall comply with all notices/signs or posted regulations that may be provided from time to time by the Town as it affects the use by persons of its Parks.

5.3 Fees and Charges

Town Council may approve from time-to-time Fees and Charges for a permit of use or admission to any Park.

5.4 Assembly

No person shall organize, sponsor or take part in any march, drill, parade, publicly advertised event, presentation, program, political or religious gathering or other ceremony unless they have a Permit to do so.



5.5 Enjoyment

No person shall obstruct the free use or enjoyment of any person using a Park.

6. ACTIVITIES & AMENITIES

6.1 Playground Equipment

No person shall:

- (a) Use Park equipment in any manner other than what it was designed for.
- (b) Alter or modify or construct any Park equipment.

6.2 Pathways

No person shall:

- (a) Use a Pathway without due care and attention for consideration of other users.
- (b) Overtake another Pathway user without providing an audible signal either verbal or mechanical.
- (c) Approach an uncontrolled Pathway intersection without yielding the right of way.
- (d) Use a Pathway at a rate of speed unsafe for the current conditions.

6.3 Bodies of Water

In any body of water on Town owned lands, including a storm pond, reservoir or accumulation of water, unless otherwise designated, no person shall:

- (a) Swim, bathe, wade or float upon;
- (b) Allow any Animal for which they are responsible to be in such body of water;
- (c) Utilize such waters for the operation of any Watercraft, including motorized, electric, wind or human powered crafts, including toy or small-scale model Watercrafts; or
- (d) Store, moor or dock a Watercraft or floatation device on any Town water body.

6.4 Ice Surfaces

No person shall:

- (a) Make holes in the ice on any Town water body for the purpose of ice fishing.
- (b) Skate on any ice on any Town water body except on approved designated areas.
- (c) Use an ice boat or ice windsurfer on any Town water body.

6.5 Bicycles

No person shall ride a bicycle in any manner as to jeopardize the safety of other persons using a Park or Pathway.



6.6 Camping

No person shall unless allowed by permit;

- (a) Camp in a Park.
- (b) Erect a tent or other structure in a Park.

6.7 Fires

No person shall:

- (a) Start any fire except where permitted by the Town, and only in constructed fireplaces, fire pits or wood stoves, in accordance with the posted rules governing such use.
- (b) Leave a fire unattended.
- (c) Throw or place on the ground burning material.
- (d) Remove any stocked supply of wood for personal use except as it would be used according to the rules in a specified Park area.
- (e) Start any fire in a Park when a fire ban is in place.

6.8 Planting

No person shall:

- (a) Engage in planting or seeding of any type of material on a Park without a Permit.
- (b) Spray any pesticide or herbicide in a Park.

6.9 Animal Rules

- (a) No person shall allow any Animal for which they are responsible to be in a Park unless otherwise permitted by this Bylaw, or any other relevant Town of Nanton bylaw.
- (b) A Permit may be issued granting permission for dogs to be off leash in a Park for the purposes of work, competition, special event or as part of a training class.

6.10 Livestock

No person shall:

- (a) Allow Livestock of any type owned or controlled by that person to enter into any Park unless they have a Permit.
- (b) Ride a horse or drive horse propelled vehicle on any Park except with the written permission of the CAO.

6.11 Fish and Wildlife

- (a) All persons must abide by the Provincial and Federal Fish and Wildlife regulations as they apply to areas within the Town of Nanton (this includes storm ponds or water bodies not specified in the Provincial or Federal regulations).



- (b) No person other than Town staff, authorized contractors or agents shall take steps to manage or control any wildlife or pests within any Park.

6.12 Signage

No person shall within a Park:

- (a) Advertise or publicize any commercial venture, march, drill, parade, publicly advertised event, presentation, program, political or religious gathering or other ceremony unless they have a Permit to do so.
- (b) Erect, place or attach any structure, sign, bulletin board, post, pole, or advertising device by any means unless they have a Permit to do so.
- (c) Distribute any hand bills or circulars or advertising medium.
- (d) Use any audible advertising vehicle unless they have a Permit to do so.
- (e) Place any sign on any plant material or asset owned by the Town.

6.13 Garbage/Litter

- (a) No person shall deposit garbage or litter in any Park except in garbage/litter receptacles provided by the Town.
- (b) In addition to specified penalties any person may be held financially accountable for any cleanup incurred by the Town.

6.14 Snow

No person shall deposit snow in a Park.

6.15 Smoking

No person shall smoke in any Park pursuant to the provisions of the Town of Nanton Smoking Reduction Bylaw.

6.16 Alcohol

No person shall consume alcohol in any Park unless a special event Permit has been obtained from the Chief Administrative Officer.

6.16.1 No person shall be intoxicated in any Park.

6.17 Washrooms

No person shall urinate or defecate in a Park except in a public washroom or portable facility provided for that purpose.

6.18 Motorized Equipment

No person shall:

- (a) Operate or Park a motor vehicle or trailer in any Park except on a designated roadway or parking lot.



- (b) Operate or Park a motor vehicle or trailer in any Park where prohibited by a traffic control device.
- (c) Operate off road vehicles, snowmobiles, all-terrain vehicles or any motorized transportation device in a Park.
- (d) Use models, hobby craft or any items powered by either gas or electricity that may limit the quiet enjoyment or safety of Park users.

Exceptions will be made for personal motorized devices such as wheelchairs used by persons who have mobility impairments.

6.19 Damages

No person shall:

- (a) Remove, destroy, mutilate, deface or climb upon any equipment, building, structure, fixture, or chattel within Town owned Parks.
- (b) Plug, tamper with, or in any way damage any plumbing, electrical, mechanical, fixture or structural Park asset.
- (c) Cut, break, pull, bend or in any way injure or deface any turf, tree, shrub, hedge, plant, flower, or any Park ornament.
- (d) Walk, stand, sit on or injure in any way any flower bed or garden.
- (e) Dig in the earth or remove any type of plant material either planted or native to the area.
- (f) Take samples of flora or fauna from a Park unless issued permission to do so.

6.20 Dangerous Activities:

No person shall:

- (a) Commit any action that could cause injury to a person or property.
- (b) Possess a firearm, bow and arrow, fireworks, dangerous weapon or cause a projectile to cause injury to a person or property in a Park.
- (c) Modify land or vegetation that could cause injury to a person or property.
- (d) Engage in any stunt, reckless activity or operate any type of mechanical apparatus that could cause personal injury to oneself or a bystander or damage property as a result of the activity.

6.21 Exceptions

- (a) The provisions of this Bylaw shall not apply to police, rescue personnel, employees, agents, or servants of the Town when they are acting in the performance of their authorized or specified duties.
- (b) The CAO may provide a Permit for exceptions to any Bylaw for special events, functions or unique circumstances. Persons applying for any exceptions must have the Permit with them at all times and be able to present them to any authority when the exception is taking place.



- (c) The provisions of this Bylaw do not apply to Town staff and authorized contractors or agents when carrying out their normal duties or functions.
- (d) This Bylaw does not apply to vehicles and equipment used by the Town or approved by the CAO.

7.0 ENFORCEMENT

7.1 Fine Schedules (Schedule A)

A person who is guilty of an offence is liable for a fine in an amount that is established in Schedule A, or in accordance with any applicable Act.

7.2 Restricted Access

The CAO may prohibit access to Parks for the following reasons:

- (a) Where the Town or agent of the Town is conducting maintenance, repair work, construction, demolition, improvements or similar work.
- (b) Public access to the Park or Parks would interfere with a person who has a Permit to use the Parks.
- (c) Where the health and safety of users may be compromised.

7.3 Evictions

In addition to any penalties outlined in the Parks Bylaw any person who breaks a law of Canada or the Province of Alberta or Town Bylaw in the Parks could be subject to any of the following sanctions:

- (a) Eviction
- (b) Suspension

The CAO has the power in this area to invoke eviction or suspension.

7.4 Offences and Penalties

- (a) A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this Part and not exceeding \$10,000.
- (b) Without restricting the generality of Section 7.4 (a), the fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are as set out in Schedule "B".
- (c) Where the CAO, a Peace Officer has reason to believe that a person has contravened any provision of this Bylaw, and that it is in the best interest of the Town to compel the person to appear in front of a Provincial Court, he may direct a Peace Officer to commence proceedings to issue a Part 2 Summons pursuant to the *Provincial Offense Procedure Act of Alberta*.
- (d) Where a contravention of this Bylaw is of a continuing nature, further violation tickets may



be issued by a Peace Officer, provided that no more than one ticket shall be issued for each day that the contravention continues.

- (e) This section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provision of the Provincial Offences Procedures Act.
- (f) The levying and payment of any fine in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw of the Town of Nanton.
- (g) Where there is a specified penalty listed for an offence in Schedule "B" of this Bylaw, the amount is the specified penalty for the offence.
- (h) Notwithstanding the specified or minimum penalties set out in Schedule "B" of this Bylaw:
 - i. if a Person is charged twice for the same provision of this Bylaw within a twenty-four-month period, the minimum penalty for the second offence of the same provision of this Bylaw shall be the amount of the specified penalty for a second offence; and
 - ii. if a Person is charged three or more times for the same provision of this Bylaw within a twenty-four-month period, the minimum penalty for the third and subsequent offenses shall be double the amount of the specified penalty for such second offence.

8.0 PROVISIONS

- 8.1 Nothing contained within this Bylaw relieves a Person from complying with any other applicable municipal, provincial or federal legislation, regulation or bylaw or any requirements of any applicable permit, order, consent, agreement, or other direction.
- 8.2 Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 8.3 In the event that any provision of this Bylaw is to any extent invalid or incapable of being enforced, such provision shall be excluded to the extent of such invalidity or unenforceability; all other terms and provisions shall remain in full force and effect.
- 8.4 Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

9.0 READINGS AND EFFECTIVE DATE

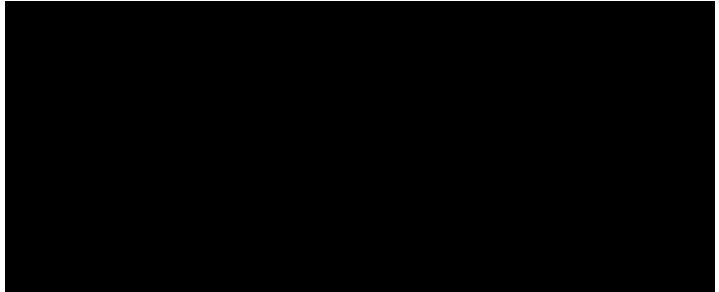
- 9.1 This Bylaw shall come into force and effect on the date of final reading.
- 9.2 Read a first time this 6th day of September, 2022.

TOWN OF NANTON



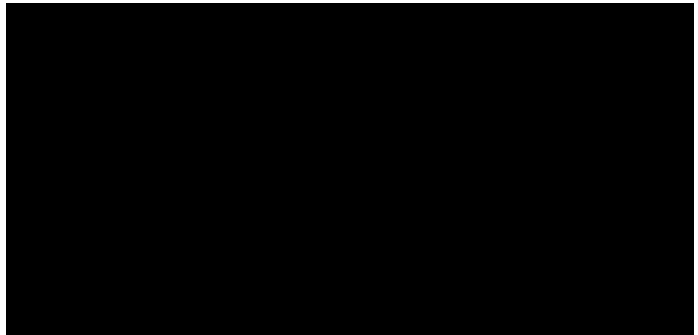
9.3 Read a second time this 19th day of September, 2022.

TOWN OF NANTON



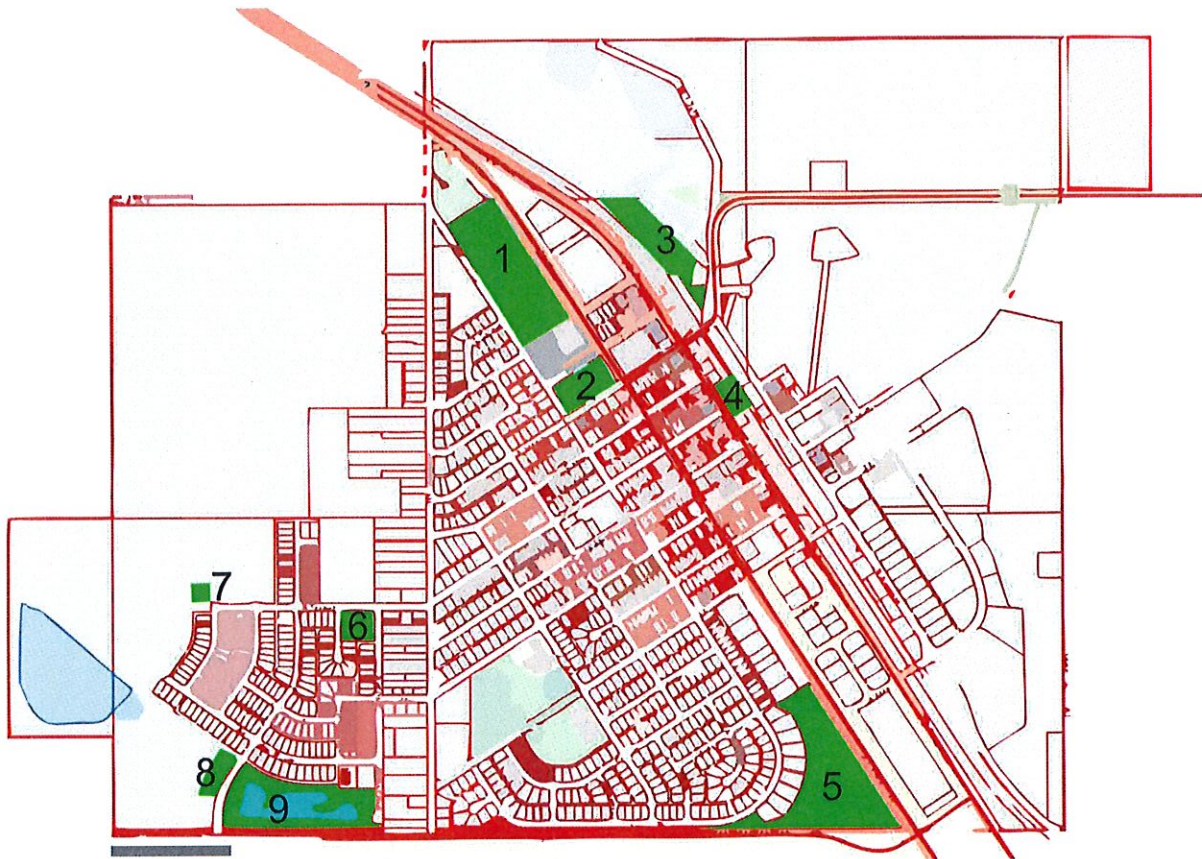
9.4 Read a third and final time this 19th day of September, 2022.

TOWN OF NANTON



BYLAW # 1364/22 - Schedule "A"

Town of Nanton Parks



1. Nanton Baseball Diamonds and Millennial Pathway
2. Centennial Park
3. Luther Park
4. Nanton Visitor Information Centre Area (MacEwan Schoolhouse)
5. Lion's Grove Park (Boomer's Hill)
6. Westview Dry Pond (seasonal skating rink)
7. Dave Wallace Memorial Park
8. Westview Dog Park
9. Westview Park (Wet Pond)

Note: List does not include Town owned lands leased to third parties for recreational purposes.
All pathways not indicated.

BYLAW # 1364/22 - Schedule "B"**Specified Penalties**

Section	Violation	First Violation	Second Violation	Third Violation
5.1	Failure to obtain a Permit	\$250.00	\$500.00	\$1000.00
5.1	Contravention of a Permit	\$250.00	\$500.00	\$1000.00
5.2	Access where prohibited	\$250.00	\$500.00	\$1000.00
5.4	Un-Permitted Assembly	\$250.00	\$500.00	\$1000.00
5.5	Obstruction of Enjoyment	\$250.00	\$500.00	\$1000.00
6.1	Equipment improper use, altering or modifying	\$250.00	\$500.00	\$1000.00
6.2	Using pathway without care or attention	\$250.00	\$500.00	\$1000.00
6.3	Unauthorized use of Water Bodies	\$250.00	\$500.00	\$1000.00
6.4	Unauthorized use of Ice Surfaces	\$250.00	\$500.00	\$1000.00
6.5	Unsafe use of bicycles	\$250.00	\$500.00	\$1000.00
6.6	Camping in Parks	\$250.00	\$500.00	\$1000.00
6.7	Lighting fire where not permitted	\$250.00	\$500.00	\$1000.00
6.8	Unpermitted planting or spraying	\$250.00	\$500.00	\$1000.00
6.12	Signage contraventions	\$250.00	\$500.00	\$1000.00
6.13	Littering in Park	\$250.00	\$500.00	\$1000.00
6.14	Depositing Snow	\$250.00	\$500.00	\$1000.00
6.16	Use of Alcohol/Intoxication	\$250.00	\$500.00	\$1000.00
6.17	Urinate/Defecate in Park	\$250.00	\$500.00	\$1000.00
6.18	Use of motorized Equipment	\$250.00	\$500.00	\$1000.00
6.19	Cause damages	\$500.00	\$1000.00	\$2000.00
6.20	Engage in Dangerous Activities	\$250.00	\$500.00	\$1000.00

Provisions of the Parks Bylaw referencing specific subject matter contained within the following Town of Nanton bylaws:

- Business License
- Animals
- Public Tree Management
- Smoking Reduction

will contain the Specified Penalties relevant to those provisions.



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