

A BYLAW OF THE TOWN OF BROOKS PROVIDING FOR THE REGULATION OF PARKS AND RECREATIONAL AREAS AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

NOW THEREFORE, the Council of the Town of Brooks duly assembled, enacts as follows:

1. **Definitions**

In this bylaw unless the context otherwise requires;

- a) **Agents of the Municipality** - means the Parks Manager, Special Constable, Town Employees, or other official of the Municipality.
- b) **Body of Water** - means any lake, pond, and/or slough whether natural or man-made within the legal boundaries of the Town of Brooks
- c) **Campground** - refers to the Kiwanis Campground, Rodeo Grounds, and any other Park controlled and operated by the municipality which has been designated as a site on which daytime or overnight camping is permitted.
- d) **Linear Path** - means any sidewalk or path, whether constructed of shale, asphalt, or concrete which is not intended for vehicular use.
- e) **Litter** - means;
 - i) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage, or the whole or a part of an animal carcass, or
 - ii) the whole or part of any article, raw or processed material, motor vehicle or other machinery, that is disposed of.
- f) **Livestock** - means any horse, donkey, mule, head of cattle, swine, goat and fowl or any sort.

- g) **Motor Vehicle** - means any Off Highway Vehicle or any other vehicle propelled by any power other than muscular power as defined in the Highway Traffic Act, Motor Vehicle Administration Act, and the Off Highway Vehicle Act.
- h) **Municipality** - means the Town of Brooks.
- i) **Outdoor Recreational Facilities** - includes all water parks, tennis courts, ice rinks, playgrounds, ball diamonds and/or any other recreational structures within the Town of Brooks.
- j) **Park or Recreational Area** - includes all named public parks, other park land, public cemeteries, boulevards, buffer strips, utility lots, municipal reserves and environmental reserves within the legal boundaries of the Town of Brooks.
- k) **Parks Manager** - is the Manager, Parks Services or his/her designates.
- l) **Peace Officer** - is the Special Constable, Bylaw Enforcement Officer and/or member of the R.C.M.P.
- m) **Person** - is any person, firm, partnership, association, corporation, company, or organization of any kind.
- n) **Property Owner** - is the record owner or contract purchaser of any parcel of land, as determined from tax assessment rolls, within the legal boundaries of the Town of Brooks.
- o) **Public Lands** - all property owned by the municipality within the legal boundaries of the Town of Brooks.
- p) **Roadway** - means any thoroughfare as defined in the Highway Traffic Act that is intended for use by vehicular traffic.
- q) **Shall** - the word shall is mandatory and not merely directory.
- r) **Soil Products** - means all soil, sand, gravel and/or fill whether clean or contaminated.
- s) **Vegetation** - includes all trees, shrubs, flowers, grass and all other plants whether natural or planted.
- t) **Violation Tag** - means a ticket in a form as approved by the Town of Brooks.
- u) **Violation Ticket** - means a ticket as defined in the Provincial Offenses Procedure Act.

2. **Authority**

- a) The Parks Manager shall have general supervision, charge and control of the management and operation of all Parks and Recreational Areas within the Town of Brooks.
- b) The Parks Manager shall have charge of all persons and/or work of whatever nature being performed in Park or Recreational Areas.
- c) These duties are to be carried out under the supervision, consultation, advice, and approval of the Administration of the Town of Brooks.

3. **Park Use and Hours of Operation**

- a) The Parks Manager may temporarily close a Park or Recreational Area or any portion thereof to public use.
- b) No person shall remain in a Park or Recreational Area or any facility contained therein, after designated hours of operation.

4. **Conduct**

- a) No person shall in any way obstruct the free use or enjoyment of a Park or Recreational Area and/or any Recreational Facility by any other person.
- b) No person shall engage in any behavior or activity in a Park or Recreational Area which creates a public nuisance or is a disturbance or the peace.
- c) No person shall disobey any posted regulations in any outdoor recreational facility, or in any Park or Recreational Area or in any portion thereof.

5. **Business Activities**

- a) In a Park or Recreational Area or portions thereof no person shall carry out any business activity without a permit issued by the Town of Brooks.
- b) Applications for such a permit shall be made in writing to the Parks Manager.

6. Livestock

- a) No person shall permit any livestock, owned or controlled by such person to enter any Park or Recreational Area and/or linear path without the prior authorization of the Parks Manager.
- b) No person shall permit any livestock in his/her possession or control to disturb or damage vegetation, or to disturb the comfort and safety of other persons using a Park or Recreational Area.
- c) Any person in possession or control of livestock in a Park or Recreational Area shall upon demand of a Peace Officer or agent of the Municipality, immediately remove such livestock from the Park or Recreational Area.

7. Motor Vehicles

- a) No unauthorized person shall operate a motor vehicle in a Park or Recreational Area except on a roadway specifically designated for such use.
- b) No unauthorized person shall park a motor vehicle on or in any Boulevard, Park or Recreational Area except in areas designated for such use.
- c) No unauthorized person shall operate a motor vehicle on a Linear Path in a Park or Recreational Area.

8. Fireworks and Dangerous Objects

- a) No unauthorized person shall use any fireworks, rockets or explosives as defined by Section 5.2 of the Alberta Fire Code in any Park or Recreational Area.
- b) No person shall propel a golf ball in any manner or shoot any arrows in a Park or Recreational Area without prior authorization of the Parks Manager.
- d) No person shall cast any stones, missiles, or any dangerous objects in a Park or Recreational Area.

9. Campgrounds

- a) No person shall set up a trailer, tent, and/or a shelter in a Park or Recreational Area unless it is in an area designated for such use and only if all applicable fees have been paid in full.
- b) The Town of Brooks is empowered to establish and collect fees and to regulate all existing and future Campgrounds as it deems necessary.
- c) No person shall erect a tent, shelter or any other form of temporary abode as a residence for sleeping in a park or Recreational Area unless it is in an area designated for such use.
- d) No person shall use a Park or Recreational Area for sleeping or residing in unless it is in an area designated for such use.

10. Fires

- a) No person shall start any fires in any Park or Recreational Area except in fireplaces and/or fire pits provided in areas designated for such use.
- b) Any person starting a fire in fireplaces and/or fire pits in any Park or Recreational Area shall be an adult of legal age, (eighteen years).
- c) All fires in any Park or Recreational Area shall be supervised by at least one adult of legal age until fully extinguished.
- d) No person shall remove any firewood from a stocked supply unless the firewood is used specifically for fireplaces within the Park or Recreational Area.
- e) No person shall remove any vegetation or any portion thereof, from any Park or Recreational Area for firewood without the prior authorization of the Parks Manager.

11. Property Damage

- a) No person shall damage or deface any Park or Recreational Area equipment therein and/or outdoor recreational facilities in any Park or Recreational Area.
- b) No person shall destroy or remove any vegetation or any portion thereof in a Park or Recreation Area.

- c) No person shall walk, stand, or sit in any flower or shrub bed in any Park or Recreational Area.
- d) No person shall walk, cross, or use any grass, plot or land in a Park or Recreational Area where signs have been posted prohibiting such use.

12. **Litter and Dumping Control**

- a) No person shall place or deposit in any Park or Recreational Area, except in garbage receptacles any paper, cardboard, glass, or any other litter which may be offensive or injurious to any other person using such areas.
- b) No person shall deposit or dump in any Park or Recreational Area, soil products, snow, or any other refuse or debris which may cause damage to such areas and/or be offensive or injurious to any other person using such areas.
- c) No person shall contaminate by placing, depositing, or allowing to enter any litter, refuse, or substance or material of any sort in any body of water in a Park or Recreational Area.
- d) No person shall deposit or dump in any Compost Collection Site any refuse or garbage other than material which is specifically intended for collection at such site.

13. **Removals**

It is an offence for any person in contravention of any provision of this bylaw to remain in any Park or Recreational Area after being requested to leave by the Agents of the Municipality and/or a Peace Officer.

14. **Penalty Provisions**

- a) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than the minimum as specified under the "Schedule A" Penalty and not more than two thousand five hundred dollars (\$2,500.00) for each separate offense. The judge shall order restitution for all damages incurred by the guilty party.
- b) No provision of this bylaw shall be construed to prevent the right of the municipality to prosecute an action for damages to any Park or Recreational Area or any facilities contained therein.

15. Enforcement

- a) A Peace Officer as defined in this bylaw, 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 personally or by mailing or leaving a copy of the same at his/her last known Post Office address.
- c) A Violation Tag shall be in a form approved by the municipality and shall state:
 - i) The name of the offending person;
 - ii) The provision of the bylaw violated;
 - iii) The penalty for the offense as specified in "Schedule A" of this bylaw.
 - iv) That the penalty shall be paid within fourteen days (14) of the issuance of the Violation Tag.
 - v) Any other information as may be required by the municipality.
- d) Notwithstanding the provisions of Section 18(a), a Peace officer is empowered to issue a Violation Ticket in accordance with the provisions of the Provincial Offenses Procedures Act in lieu of a Violation Tag, in the first instance.

16. Exemptions

- a) Peace Officers and/or the employees, officials, and Agents of the Municipality, while acting in the course of their employment or duties, shall be exempted from provisions of this bylaw.
- b) Any person who has received the prior written permission of the Parks Manager may be exempt from certain provisions of this bylaw.

17. Severability

In the event that a Court in the Province of Alberta should strike down or otherwise declare invalid any section of the bylaw, the remainder of the bylaw shall remain in effect.

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

Read a first time this 21st day of November, 1994.

Read a second time this 21st day of November, 1994.

Read a third time and finally passed this 5th day of December, 1994.

Mayor

Director of Finance and
Administration

TOWN OF BROOKS**SCHEDULE "A"**

Amounts which will be accepted by the Town of Brooks in lieu of prosecution. Voluntary payments will not be accepted by the municipality where damage in excess of the penalty has resulted from a violation and a court appearance shall be necessary.

SECTION VIOLATION	PENALTY	SECOND VIOLATION WITHIN ONE YEAR
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Conduct

4(a) Obstructing Free Use of Park	\$ 25.00	\$ 50.00
4(b) Public Nuisance	25.00	50.00
4(c) Disobeying Regulations	25.00	50.00

Business Activities

5(a) Business Activity without License or Permit	\$ 50.00	\$100.00
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Livestock

6(a) Allowing Livestock in Park	\$ 25.00	\$ 50.00
6(b) Allowing Livestock to Disturb Vegetation or Persons	25.00	50.00

Motor Vehicles

7(a) Operating Motor Vehicle in Restricted Area	\$200.00	\$400.00
7(b) Parking Motor Vehicle in Restricted Area	25.00	50.00

Fireworks and Dangerous Objects

8(a) Discharging Fireworks, Rockets, or Explosives	50.00	100.00
8(b) Propelling Golf Balls or Shooting Arrows	25.00	50.00
8(c) Casing Stones, Missiles or other Dangerous Objects	25.00	50.00

Campgrounds

9(a) Camping without Permission	\$ 25.00	\$ 50.00
9(b) Non-payment of Camping Fees	25.00	50.00
9(d) Sleeping in a Non-Designated Park or Recreational Area	25.00	50.00

Fires

10(a) Starting Fires other than in Designated Areas	\$100.00	\$200.00
10(b) Underage Persons Starting Fires	50.00	100.00
10(c) Leaving a Fire Unattended	25.00	50.00
10(d) Removal of Firewood	25.00	50.00

Property Damage

11(a) Damage to a Park or any Equipment or Facility	\$200.00	\$400.00
11(b) Destroying or Removing any Vegetation	25.00	50.00
11(c) Walk, Stand, or Sit in a Flower or Shrub Bed	25.00	50.00
11(d) Walking, Crossing or Using any Prohibited Areas	25.00	50.00

Litter and Dumping Control

12(a) Littering	\$ 25.00	\$ 50.00
12(b) Dumping of Soil, Snow, Refuse or Debris	100.00	200.00
12(c) Contamination of Bodies of Water	200.00	400.00
12(d) Dumping of Refuse in Compost Collection Site	50.00	100.00

Removals

13 Remaining in Park after being Requested to Leave	\$ 25.00	\$ 50.00
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TOWN OF BROOKS

BYLAW NO. 98/28

A BYLAW OF THE TOWN OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 94/33 BEING THE PARKS AND RECREATIONAL AREAS BYLAW.

WHEREAS it is deemed necessary to allow for proper enforcement of parks and protection of tennis court surfaces.

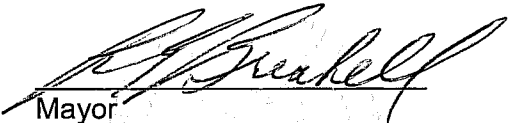
NOW THEREFORE the Council of the Town of Brooks duly assembled, enacts as follows:

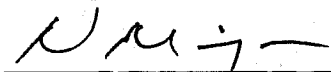
1. Section 4 of Bylaw No. 94/33 is amended by adding the following clause:
 - 4(d) No person shall use rollerblades and/or skateboards, play ball hockey or engage in any non-tennis activities, on any tennis court facility owned by the municipality.
2. Section 7 of Bylaw No. 94/33 is amended by adding the following clause:
 - 7(d) If the operator of the vehicle committing an offence cannot be determined, then the registered owner of the vehicle shall be deemed to be the person who committed the offence.
3. Section 12 of Bylaw No. 94/33 is amended by adding the following clause:
 - 12(e) If refuse, garbage and/or any material not specifically intended for collection is disposed of from a vehicle and it cannot be determined who is the operator disposing of the waste, the registered owner of the vehicle shall be deemed to be the person who disposed of the waste.
4. Schedule "A" of Bylaw 94/33 is amended by adding Section 4(d) Non-tennis Activities on Tennis Courts with a penalty of \$50.00 for a first offense and \$100.00 for a second offense within one year.
5. This Bylaw shall come into force on the date of final passing thereof.

Read a first time this 21st day of September, 1998.

Read a second time this 21st day of September, 1998.

Read a third time and finally passed this 5th day of October, 1998.


Mayor


Director of Community and
Corporate Services