

SUMMER VILLAGE OF WHITE SANDS
USE OF PUBLIC LANDS BYLAW NO. 198-23

WHEREAS under the Authority of the *Municipal Government Act* RSA 2000 Chapter M-26, section 7 (a)(b) and (i), and 8 (a) authorizes the Council of a municipality to pass bylaws for municipal purposes respecting the safety, health and welfare of people, the protection of people and property and other matters including but not limited to regulating or prohibiting the use of public land:

AND WHEREAS the Summer Village of White Sands deems it advisable to pass a bylaw regulating the use of public lands to be compatible with the normal activities of urban life while recognizing the recreational nature of the municipality and providing for penalties for the unauthorized use of public lands;

NOW, THEREFORE, the Summer Village of White Sands in the Province of Alberta duly assembled, enacts as follows:

1. Bylaw Title

1.1. This bylaw may be cited as "Use of Public Lands".

2. Definitions"Act" or "said Act" shall mean the Municipal Government Act, being Chapter M- 26 of the Revised Statutes of Alberta, 2000, and amendments thereto;

2.2. Any word, expression or term used in this Bylaw shall have the same meaning as in the said Act;

2.3. "Council" means the Council of the Summer Village of White Sands;

2.4. "Easement" means a right-of-way intended for services access usually with a surface of grass and not hard topped or graveled, and not intended for the passage of vehicles;

2.5. "Municipality" means all lands within the Corporate Boundary limits of the Summer Village of White Sands, in the Province of Alberta;

2.6. "Municipal Tag" means a ticket for any violation of this bylaw in the form of a numbered "Notice of Violation" and contains provisions for either a "warning", or a "voluntary payment" payable to the Summer Village of White Sands with or without discount provisions;

2.7. "*Peace Officer*" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed pursuant to the Alberta Peace Officer Act, or a Municipal Bylaw Enforcement Officer appointed by the Summer Village of White Sands;

2.8. "*Pedestrian*" means any person on a highway on foot either standing or walking, or a person in or on a mobility aid;

2.9. "*Person*" includes any person, individual, owner, public body, body corporate, society, firm or partnership;

2.10. "*Public Land*" means:

a) Public Utility Lots and Storm Water Management Facilities;

b) Municipal Reserves and School Reserves;

c) Environmental Reserves and Natural Areas; and

d) Any land subject to the direction, management or control including but not limited to:

- i. Land titled to the Summer Village of White Sands;
 - ii. Developed or undeveloped Road Right-of-Ways and Statutory Road Allowances;
 - iii. All easements in favors of the Summer Village of White Sands;
 - iv. All utility Right-of-Ways.
- 2.11. "*Chief Administrative Officer (CAO)*" means a person appointed by Council under a bylaw by the Summer Village of White Sands in the Province of Alberta, or that person's designate acting lawfully as CAO in any absence;
- 2.12. "*Unauthorized Use*" means a person accessing on or over Public Lands or constructing, storing, erecting or placing anything on/under or over Public Land for any purpose without written consent from the Summer Village of White Sands;
- 2.13. "*Vehicle*" means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid;
- 2.14. "*Violation Ticket*" means a provincial ticket as described in the Alberta Provincial Offences Procedures Act Chapter P-34, RSA 2000 and the Procedures Regulation and may be issued in the form either a part 2 Summons or a part 3 Offence Notice. Service and procedures of such violation tickets shall be as per POPA above and pursuant to Section 160(1) of the Traffic Safety Act where applicable.
- 2.15. "*Summer Village*" means the Summer Village of White Sands.

3. CONSENT TO USE

- 3.1. Any person wishing to make use of public land may apply to the Council of the Summer Village of White Sands in writing.
- 3.2. The Council may consent to a proposed use subject to whatever terms the Council considers appropriate.

4. PUBLIC PROPERTY REGULATION

- 4.1. No person shall make unauthorized use of public land.
- 4.2. No person shall use the public land for the parking or temporary storage of any vehicle, whether operable or inoperable, including but not limited to cars, trucks, vans, recreational vehicles, all-terrain vehicles, snowmobiles, boats, campers, and trailers.
- 4.3. No person shall develop on any municipal reserve, environmental reserve or other municipal owned land.
- 4.4. Unauthorized uses on Public Land shall include but not limited to the following:
 - a) Constructing a driveway, parking pad or site, garage, stairway, walkway, pool, patio, deck,
 - b) Constructing and or maintaining a skating or hockey rink,
 - c) Placing or storage of personal property,
 - d) The removal of trees and/or shrubs, excavation, grading or drainage alteration on any municipal reserve, environmental reserve, or other municipal owned land, without expressed written approval from the municipality, is prohibited.
 - e) Installing irrigation or electrical systems,
 - f) Constructing drainage facilities including, but not limited to, pipes, catch basins, sumps, swales, retention ponds and ancillary structures,

- g) Erecting staging, scaffolding or similar structures,
- h) Depositing or storing building materials/topsoil/clay/sand/gravel, storing or operating machinery, equipment or tools used or to be used in connection with the erection, alteration, demolition, repair or painting of any structure,
- i) Digging, cutting, excavating, filling, or dumping soil, refuse, garden or yard material, compost and other materials.
- j) The prohibition in subsection (c) does not apply to any uses listed in an applicable land use district and subject to expressed written approval from the municipality.
- k) No person shall erect or cause to be erected any fence on any property owned by the municipality without their expressed written approval.
- l) Operating any vehicle to access upon or across.
- m) No person shall park any vehicle upon any land owned by the Summer Village of White Sands which the said uses or permits to be used as a playground, recreation area, public park or for utility purposes except on such areas that the CAO or designated employee may designate by a Traffic Control Device for vehicle parking.
- n) No person shall place any signage/commercial advertising upon the Public Lands without written authorization.

5. THE CAO may, by a direction,

- 5.1. Require the person responsible for an unauthorized use of public land to cease such unauthorized use.
- 5.2. A direction given by the CAO or designate must:
 - a) Identify the unauthorized use,
 - b) Direct the person to take any action or measures necessary to remedy the unauthorized use including, but not limited to, the restoration of the public land to its state immediately before commencement of the unauthorized use, and
 - c) State a time within which the person must comply with the direction.
- 5.3. A direction may be served:
 - a) Personally, if directed to an individual or by delivery to a person apparently over the age of sixteen (16) years residing or employed at the address where the individual resides, carries on business or is employed.
 - b) In accordance with the Business Corporations Act (Alberta) if directed to a business corporation.
 - c) Sending by prepaid registered mail to its registered office or its place of business in the case of any other corporation.
 - d) In the case of firm or partnership, by personal service on any person over the age of eighteen (18) years who is a member of the firm or partnership or apparently in the employ of the firm or partnership at an office of the firm or partnership, or
 - e) In accordance with an Order of the Alberta Court of Queen's Bench.
- 5.4. No person shall fail to comply with a direction and if the Summer Village is unable to ascertain the name of the person responsible for any unauthorized use:
 - a) The Summer Village will post a sign on the public land which is the subject of the unauthorized use stating that, if the unauthorized use is not stopped and all work done necessary to restore the public land

to its condition immediately before commencement of the unauthorized use, by a date at least twenty-one (21) days after the sign is posted, the Summer Village will do such work.

- b) If the Summer Village does work pursuant to the preceding paragraph 5.4 (a), the cost of so doing will be a debt due to the Summer Village from the person responsible for the unauthorized use.
- c) The work referred to in paragraph 5.4 (a) includes, but is not limited to, the removal of materials and chattels of all kinds, excavating and removing improvements and carrying out landscaping.
- d) In the case of an emergency of any kind or a perceived threat to public safety, the period of twenty-one (21) days prescribed by paragraph 5.4 (a) may be shortened to whatever period the CAO or Designate considers appropriate.
- e) The Summer Village may sell any materials or chattels referred to in paragraph 5.4 (b) and apply the proceeds towards payment of the debt due to the Summer Village from the person responsible for the unauthorized use.

6. ENFORCEMENT

- 6.1. A person who contravenes section 4, section 5.4 or any other provision of this bylaw is guilty of an offence.
- 6.2. A person who is found guilty of an offence under this bylaw is liable to a maximum fine of \$10,000.00.
- 6.3. The minimum and specified penalty for a violation of any provision of this Bylaw is a fine in the amount of \$500.00
- 6.4. If a person violates the same provision of this bylaw twice or more within a one- year period, the minimum and specified penalty for the second and subsequent violation shall be a fine in the amount of \$1,000.00
- 6.5. If a fine imposed pursuant to section 6.3 or 6.4 is not paid, the Summer Village will proceed to collect it in the same manner as a civil judgement in favor of the Summer Village.
- 6.6. In addition to imposing a fine pursuant to section 6.3 or 6.4, the Court may:
 - a) Order the responsible person to cease the unauthorized use and take whatever steps are necessary to restore the public land which has been subject of the use to the condition it was in prior to commencement of the use; and
 - b) Direct that, if the responsible person fails to comply with an order pursuant to the preceding paragraph 6.6 (a) within a specified time, the Summer Village will be at liberty to do the work required and recover the costs of so doing from the responsible person. Such costs may be determined either concurrently with imposition of a fine or upon subsequent application to the court.

7. VIOLATION TAGS

- 7.1. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
 - a) A Violation Tag may be issued to such person either personally, or by mailing a copy to such Person at his or her last know post office address.
 - b) The Violation tag shall be in a form approved by the CAO and shall state:

- c) the name of the person;
- d) the offence;
- e) the appropriate penalty for the offence being the minimum penalty prescribed by this Bylaw;
- f) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
- g) any other information as may be required by the CAO.
- h) Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- i) 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 to the Summer Village the penalty specified in the Violation Tag.
- j) Nothing in this Bylaw shall prevent a Bylaw Enforcement officer from immediately issuing a Violation Ticket.

8. VIOLATION TICKET

- 8.1. If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer, is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedures Act.
- 8.2. A Peace Officer is hereby authorized and empowered to issue a violation ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- a) A violation ticket may be issued to such person either personally, or by mailing a copy to such Person at his or her last know post office address.
 - b) The violation ticket shall be in a form approved by the CAO and shall state:
 - i. the name of the person;
 - ii. the offence;
 - iii. the appropriate penalty for the offence being the minimum penalty prescribed by this Bylaw;
 - iv. that the penalty shall be paid within thirty (30) days of the issuance of the violation ticket;
 - v. any other information as may be required by the CAO.
 - c) Where a contravention of this Bylaw is of a continuing nature, further violation ticket may be issued by the Peace Officer, provided that no more than one violation ticket shall be issued for each day that the contravention continues.
 - d) Where a violation ticket is issued pursuant to this Bylaw, the Person to whom the violation ticket is issued, may in lieu of being prosecuted for the offence, pay to the Village the penalty specified in the Violation ticket.
 - e) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a violation ticket.

- 8.3. A violation ticket in this bylaw is:
- a) The offences under this bylaw in respect of which a voluntary penalty may be made are set out in section 5 of this bylaw.
 - b) A violation ticket as distributed by the Province of Alberta and set out in the Provincial Offences Procedures Act and Regulation may be issued by a Peace Officer for any contravention of this bylaw.
 - c) A violation ticket is deemed sufficiently served if the processes under the Provincial Offences Procedures Act and Regulation have been followed.

9. SEVERABILITY PROVISION

- 9.1. Should any provision of this bylaw become invalid, void, illegal, or otherwise not enforceable, it shall be considered separate and severable from the bylaw and the remainder shall remain in force and be binding as though such provisions had not been invalid.

10. EXERCISE OF DISCRETION

- 10.1. The Summer Village has the discretion to enforce this bylaw and is not liable of any outcomes should a Peace Officer decide not to enforce this bylaw if acting in good faith.

11. COMING INTO FORCE

- 11.1. This Bylaw shall come into effect upon the third and final reading and signing of this Bylaw.

READ a first time this 18 day of October 2023.

READ a second time this 15 day of November 2023.

READ a third and final time this 15 day of November 2023.



Mayor



Chief Administrative Officer