

## BYLAW NO. 1440

Being a bylaw of the Municipal District of Bonnyville No. 87 in the Province of Alberta providing for the regulation of municipal land and reserves.

WHEREAS pursuant to Section 7 (a) of the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, the Municipal District of Bonnyville may pass Bylaws for the protection and preservation of Municipal Lands and Reserves.

NOW THEREFORE the Council of the Municipal District No. 87 in the province of Alberta, duly assembled, hereby enacts as follows:

### TITLE

1. This Bylaw may be cited as "The Municipal Land and Reserves Bylaw."

### DEFINITIONS

2. In this Bylaw, unless the content otherwise requires:
  - (a.) "Council" - means the Municipal Council of the Municipal District of Bonnyville No. 87
  - (b.) "Environmental Reserve" (ER) - means a part of a land parcel designated as an environmental reserve as defined under section 664(1) of the Municipal Government Act R.S.A. 2000, c.M-26.
  - (c.) "Litter" - any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:
    - (i.) Any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or 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; or
    - (iii.) Any dirt, gravel, rock, sand, rubble or clean fill; or
    - (iv.) Any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended and the Regulations thereunder.
  - (d.) "Motor Vehicle" - means a motor vehicle as defined in the Traffic Safety Act, R.S.A. 2000 c T.6, as amended from time to time, and the regulations thereunder.
  - (e.) "Municipality" - means the Municipal District of Bonnyville No. 87 a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.
  - (f.) "Municipal Land" - means a parcel of land or a part of a parcel of land owned by the municipality or land in which the municipality is in the process of acquiring. Such lands are designated as Municipal Reserve, School Reserve, Municipal and School Reserve, Environmental Reserve or Public Utility Lot.
  - (g.) "Municipal Reserve" (MR) - means a part of a land parcel designated as a Municipal Reserve as defined in section 666(1) of the Municipal Government Act R.S.A. 2000, c. M-26
  - (h.) "Municipal and School Reserve" (MSR) - means part of a land parcel designated as a municipal school reserve as defined in section 666(1) of the Municipal Government Act R.S.A. 2000, c. M-26.
  - (i.) "Nuisance" - means any activity or condition within the Municipal District of Bonnyville No. 87 which interferes with, annoys, disturbs, injures or endangers the safety, comfort, peace or health of others.
  - (j.) "Order to comply" means an Order, or warning, issued under this Bylaw.

- (k.) "Peace Officer" – means a member the Royal Canadian Mounted Police, a Peace Officer or Bylaw officer employed by the Municipal District of Bonnyville or any other sworn Police Officer in the Province of Alberta.
- (l.) "Permit" – means a written authorization issued pursuant to approval granted by the Municipal District of Bonnyville No. 87 in respect to activities on municipal lands, reserves or structures.
- (m.) "Permittee" – means a person who applied and obtained a permit in respect to activities on municipal lands, reserves or other structures.
- (n.) "Person" – means the person who owns a vehicle, a person whose name appears on the vehicle registration or any other person in care and control of a vehicle by implied permission of the owner or by rental agreement.
- (o.) "Public Utility Lot" (PUL) – means a part of a land parcel designated as a public utility lot as defined in the municipal Government Act R.S.A. 2000, c. M26.
- (p.) "Reserve Lands" – means an Environmental reserve, a Walkway, a Municipal Reserve, a School Reserve and a Municipal & School Reserve as defined in the Municipal Government Act.
- (q.) "School Reserve" (SR) – means a part of a land parcel designated as a school reserve as defined in the Municipal Government Act R.S.A 2000, c. M-26.
- (r.) "Strict Liability" – means a person is responsible for the damage and loss caused by his/her acts and omissions regardless of culpability.
- (s.) "Structures" – means any man-made building or feature with the exception of seasonal piers and docks
- (t.) "Unauthorized Use" means any use which falls under offenses on the Reserve Land without a valid permit
- (u.) "Violation Ticket" – means a ticket issued to Part 2 of the Provincial Offences and Procedures Act, R.S.A. 2000 c. P-34

#### PEACE OFFICERS AUTHORITY

- 3. Any member of the Royal Canadian Mounted Police, Peace Officer or Bylaw Officer appointed and employed by the Municipal District of Bonnyville are authorized to enforce any section of this Bylaw.

#### POWERS OF PEACE OFFICERS

- 4. Peace Officers for the purpose of this Bylaw may:
  - (a.) Enforce any part of this Bylaw within the Municipal District of Bonnyville No. 87 corporate boundary.
  - (b.) Access any municipal land, reserve or structure, at any time for inspection or enforcement activities.
  - (c.) Order any person or corporation to cease and desist any activity on municipal land, reserve or structure, which in the opinion of the peace officer, such activity may compromise the quality of the land, reserve or structure.
  - (d.) Order the restoration of any disturbed land, reserve or structures to their original condition at the offender's expense.
  - (e.) Remove and seize any items not described within the terms of an authorized permit.
  - (f.) Serve written notice under "Schedule A" describing the unsatisfactory condition(s), expectations of restoration and a date to which such restoration is to be completed by. Failure to meet conditions may result in prosecution.

**OFFENCES**

## 5. No person shall:

- (a.) Fail to produce a valid permit at the request of a peace officer, on any municipal land, reserve or structure.
- (b.) Conduct any activity, which causes a disturbance to anyone's peaceful enjoyment of public or private property.
- (c.) Discard any litter on land or water on municipal land, reserve or structure.
- (d.) Obstruct any peace officer in the performance of his investigation and lawful authority to enforce this Bylaw.
- (e.) Discard any contaminants or utilize herbicides and fertilizers on land or water on municipal land, reserve or structure.

5.1. No Person Shall, without a written authorized permit:

- (a.) Place or erect any structures, sign, bulletin board, post, pole, or advertising device of any kind, attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure on any municipal land, reserve or structure.
- (b.) Dig in the earth, or remove any natural feature or man-made structure from municipal land, reserve or structure.
- (c.) In any way injure or deface any turf, tree, shrub, hedge, plant, flower or structure (except weeds identified in the Weed Control Act, Revised Statutes of Alberta, 2000, Chapter w-5, and amendments thereto) on municipal land or reserve
- (d.) Discharge or ignite any fireworks or missiles from any municipal land, reserve or structure.
- (e.) Park or operate any motorized vehicles or trailers on municipal land or reserve except in designated areas.
- (f.) Park or operate any ATV's on municipal land or reserve except within designated municipal reserves or trails.
- (g.) Camp or take up occupancy on any municipal land, reserve, or structure that are not designated as day use areas for recreational purposes.
- (h.) Light any outdoor fire on municipal land, reserve or structure.
- (i.) Permit any livestock to graze on municipal land or reserve.
- (j.) Discharge any firearms on or over municipal land, reserve or structure.

## 5.2. No Person Shall, without a development permit:

- (a.) Construct or remove structures such as stairs/decks on any municipal land or reserve.

**GENERAL PENALTY PROVISION**

- 6. Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of the payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

**MINIMUM AND SPECIFIED PENALTIES**

- 7(a.) Notwithstanding Section 6 of this Bylaw, every person who contravenes any provisions of this Bylaw, as enumerated in Schedule B herein is guilty of an offence and shall be liable on Summary Conviction to the penalty specified therein for such offence.
- (b.) The Levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- (c.) A Provincial Judge/Commissioner, in addition to the penalties provided in this section, may if they consider the offence sufficiently serious, direct or order restoration of the affected land or, order compensation to be paid to the Municipal District of Bonnyville No. 87 as a result of costs incurred to the Municipality for restoration.

**ENFORCEMENT**

8. Where a Peace Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Peace Officer may commence Court proceedings against such Person by:
- (a.) Issuing an Order to Comply to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the Municipal Government Act, or,
- (b.) Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

Where a Peace Officer issues a Person an Order to Comply in accordance with Section 5 of this Bylaw, the Officer may :

- (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 Reserve Land to a natural state; and
- (c.) State the time within which the Person must fulfill the Order to Comply;
- (d.) State that if the Person does not abide by the Order to Comply in the specified time the Municipality may take action or measures at the expense of the Person.

Where a Peace Officer issues a Person a Violation Ticket in accordance with Section 5 of this Bylaw, the Officer may either:

- (a.) Allow the Person to pay the specified penalty as provided for the offence in Section 7 of this Bylaw by including such specified penalty in the Violation Ticket; or
- (b.) Require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the Municipal District from pursuing any other remedy in relation to a Premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

9. Each provision of the Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

**STRICT LIABILITY OFFENCE**

10. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

**MUNICIPAL DISTRICT EMPLOYEES**

11. The provisions of this Bylaw do not apply to actions and operations of the Municipal District of Bonnyville No. 87, or persons acting upon the instructions of the Municipal District of Bonnyville in respect to any activities with municipal lands, reserves or structures.

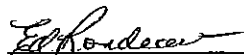
**EFFECTIVE DATE**

12. This Bylaw comes into force and effect on the dated upon final passing thereof.

READ A FIRST TIME IN COUNCIL THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2009.

READ A SECOND TIME IN COUNCIL THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2009.

READ A THIRD TIME AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2009.

  
\_\_\_\_\_  
REEVE

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

Municipal District of Bonnyville No. 87

Order to Comply

Pursuant to Section 4F of the Municipal District of Bonnyville Bylaw 1440



Order No.:

OFFICE USE ONLY

Date Order Issued: \_\_\_\_\_

Application/Permit Number: \_\_\_\_\_

Address to which Order applies: \_\_\_\_\_

Order issued to (name and address if different from above): \_\_\_\_\_

The inspection on or about \_\_\_\_\_ (date) at the above-referenced address found the following unsatisfactory conditions.

You are hereby ordered to correct the contraventions itemized below immediately, by the dates listed below, or by \_\_\_\_\_ (date).

Activity	Description and Location	Required Action and Compliance Date

Order issued by:

Name \_\_\_\_\_ Contact Name (opt.) \_\_\_\_\_

Signature \_\_\_\_\_ Contact Tel No. (opt.) \_\_\_\_\_

Telephone No. \_\_\_\_\_

**Bylaw No. 1440**  
**The Municipal Land and Reserves Bylaw**  
**Schedule B**  
**Specified Penalty Listing**

<b>SECTION</b>	<b>OFFENCE</b>	<b>FINE</b>
5(a)	Fail to produce valid permit	\$200
5(b)	Conduct activity causing disturbance	\$300
5(c)	Discard litter	\$300
5(d)	Obstruct a Peace Officer in performance of duties	\$500
5(e)	Discard contaminates/utilize herbicides/fertilizers	\$300
5.1(a)	Place/Erect/attach any structure/sign/bulletin board/post/pole/advertising device/notice/bill/poster/sign/wire/cord to a tree/shrub/fence/railing/post or structure without authorization	\$500
5.1(b)	Dig in the earth/remove any natural feature/manmade structure	\$500
5.1(c)	Injure/deface turf/tree/shrub/hedge/plant/flower/structure	\$300
5.1(d)	Discharge/ignite fireworks/missles	\$500
5.1(e)	Park trailer/operate motorized vehicle	\$200
5.1(g)	Camp/occupy land on Reserve land	\$200
5.1(h)	Light fire on Reserve Land	\$500
5.1(i)	Permit livestock to graze on Reserve Land	\$500
5.1(j)	Discharge Firearm on/over Reserve Land	\$500
5.2(a)	Construct/Remove Structure on Reserve Land without Permit	\$1000