

## TOWN OF COCHRANE

### BYLAW NO. 20/01

Being a Bylaw of the Town of Cochrane in the Province of Alberta to exercise and control the use of parks and open space operated for the benefit of the citizens of the Town of Cochrane.

**WHEREAS:** Pursuant to the Municipal Government Act, the Council of the Town of Cochrane is empowered to enact bylaws respecting the control and operation of parks, campgrounds, athletic grounds and exhibition grounds; and

**WHEREAS:** It is the intent of this bylaw to control the use of Parks and Open Space operated by the Town within the limits of the Town; and

**NOW THEREFORE:** the Municipal Council of the Town of Cochrane in the Province of Alberta duly assembled enacts as follows:

1. The bylaw shall be cited as the Town of Cochrane Parks and Open Spaces Bylaw.

#### 2. DEFINITIONS

- (a) "Active Game" shall include any physical activity by one or more persons that the Parks and Facilities Division may consider damaging to grass, flowers and trees, shrubs, buildings or structures, and without limiting the general intent of the foregoing an active game shall include football, baseball, fastball, volleyball, badminton, golf, rugby, lacrosse, soccer, and hockey.
- (b) "Parks and Facilities Division" shall mean the Parks and Facilities Division of the Operational Services Department of the Town.
- (c) "Council" means the Council of the Town.
- (d) "Director of Operational Services" means the Director of Operational Services for the Town, or his designate.
- (e) "Employee" means any person employed by the Town's Operational Services Department.
- (f) "Open Space and Parks" shall mean every recreational area owned or controlled by the Town whether such park is improved in whole or in part or remains in its natural state but shall include river valleys, ravines, and other neighborhood beautification areas and publicly maintained areas that are administered by the Town including boulevards, playing fields, tennis courts, outdoor rinks, outdoor concessions, anything incidental to their use, such as all park furniture including playground equipment, benches, picnic tables, fire pits, trees and shrubs.
- (g) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Special Constable or Bylaw Enforcement Officer.
- (h) "Town" means the Corporation of the Town of Cochrane or any area contained from time to time within the boundaries of the Town of Cochrane.

- (i) "Parks and Facilities Supervisor" shall mean the Parks and Facilities Supervisor for the Town or other official exercising the responsibilities of the Parks and Facilities Supervisor.
- (j) "Public Gathering" means any group of two or more people.
- (k) "Special Event" means a promotion, parade, procession, or race, which requires exclusive use of part of a park and for that purpose.
- (l) "Promotion" means one or more persons gathered for the purpose of soliciting, protesting, rallying, entertaining, evangelizing or selling goods or services.
- (m) "Parade", "procession" or "race" means any group of people , other than a funeral procession, marching, walking, running or riding in the street, on the sidewalk, on parkland, or on the trail system, whether by foot, bicycle or motor vehicle.
- (n) "Tree" includes plants, shrubs, vines and ground cover.
- (o) "Off-highway vehicle" has the same meaning as defined in the Off-Highway Vehicle Act and Regulations.
- (p) "Park" when used as a verb, has the same meaning as defined by the Highway Traffic Act and Regulations.
- (q) "Pathway" means a multi-purpose path whether improved or unimproved for use by pedestrians and non-motorized conveyances, except motorized wheelchairs but does not include sidewalks.
- (r) "User" means any persons traveling on a pathway, and shall include but not be limited to persons walking or jogging and persons using bicycles, rollerskates, in-line skates, skis of any type, skateboards and wheelchairs of any type.
- (s) "Motorcycle and Motor Vehicle" has the same meaning as defined in the Highway Traffic Act.
- (t) "Highway" means a highway as defined in the Highway Traffic Act.
- (u) "Municipal Tag" means a tag or ticket wherein a person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a voluntary penalty to the Town of Cochrane in lieu of prosecution for the alleged breach.
- (v) "Voluntary Penalty" means a penalty specified in Schedule A of this Bylaw which amount may be paid by the person to whom a municipal tag is issued, in lieu of prosecution.
- (w) "Projectile" means a body projected by external force and continuing in motion by its own inertia.

### **3. JURISDICTION**

This bylaw applies to all open space and parks owned or operated by the Town of Cochrane.

### **4. FENCES**

4.1 No person shall climb on or over a fence located in or at the edges of a park.

### **5. SIGNS/STRUCTURES**

5.1 No person shall:

- (a) Damage, deface, destroy or remove a structure, fixture, improvement, sign or any part thereof, or any other property or thing located in a parks or open space area;
- (b) Place or erect any structures, sign, bulletin board, post, or pole to any fence, railing, post or structure in any park or open space area'
- (c) Contravene any posted or printed regulation governing the use of a park;
- (d) Plug, tamper with, or in any way damage any plumbing, electrical, heating, or other fixtures in any park area.

### **6. DEPOSITING REFUSE / LITTER**

6.1 No person shall :

- (a) Place or deposit in any part of a park or open space area, except in a receptacle provided for such purpose, any paper, cardboard, bottle, glass or other refuse which may be offensive, injurious, or inconvenient to persons using such park or open space area;
- (b) Place or deposit any foreign matter or refuse within a park or open space area. In particular, but without limiting the generality of the foregoing, "foreign matter or refuse" shall include all clay, rock, gravel, cinders, shavings, wood scrap, ashes, iron or metal scrap, tire(s), trade waste, house refuse, grass clippings, tree cuttings, garden waste, or any other material or matter likely to interfere with the appearance of the park or open space area.

### **7. PARK USE**

7.1 No person shall act in a manner which is dangerous to life or property, or which is detrimental to the use and enjoyment of a park by others.

- 7.2 (a) No person shall, in a park, engage in:
- (i) Propelling a golf ball in any manner;
  - (ii) Archery;
  - (iii) The use of a sling-shot; or
  - (iv) The shooting of a projectile of any nature.
- (b) The Parks and Facilities Supervisor may designate areas in a park where any of the activities otherwise prohibited by Subsection 7.2 are permitted.
- 7.3 (a) The Director of Operational Services may make regulations designating:
- (i) A park or a portion of a park as an area which may be licensed to the exclusive use of a person or a group; and
  - (ii) The conditions upon which exclusive use may be made of an area; and
  - (iii) Areas excluded from use by the public.
- (b) The Director of Operational Services may grant to a person exclusive use of an area so designated.
- 7.4 No person shall erect, build or locate or permit the erection, building or locating in any park of any trailer, shelter or other building or any tent or other shelter without first having obtained written consent of the Parks and Facilities Supervisor.
- 7.5 No person shall use any Town lands for the purpose of storage, for gardening or for other similar private uses unless specifically allowed to do so by agreement with the Town and with written consent of the Parks and Facilities Supervisor.
- 7.6 No person shall kill, injure, tease, molest, or disturb any bird or animal, or take, destroy or disturb the eggs or young of such bird or animal in any park or open space.
- 8.** No person shall:
- 8.1 Use a park contrary to the regulations made pursuant to Section 7 or interfere with the use of an area by a person or group to which exclusive use has been granted.

**9. WATER**

9.1 No person shall:

- (a) Swim, bathe, or wade in any lake, pool or pond within a Park or Open Space, unless such activity has been authorized by the Parks and Facilities Supervisor.
- (b) Foul, pollute or deposit any foreign matter or thing in any reservoir, river, stream, lake, pond, or water in a park.

**10. CAMPING**

10.1 No person shall reside or camp on any Town lands other than a designated campground.

**11. OPEN FIRES**

11.1 No person shall start any open fire or permit any person under his control to start any open fires on any open lands, except in fireplaces provided for such purpose.

**12. VEHICLES**

12.1 No person shall:

- (a) operate a vehicle in a park, except on a roadway provided for such use;
- (b) park a vehicle in a park, except in an area designated for such use;
- (c) operate an off-highway vehicle in a park or open space area;

without the prior written consent of the Parks and Facilities Supervisor.

**13. TREE PROTECTION**

13.1 No person shall:

- (a) remove any tree;
- (b) injure, damage or destroy any tree;
- (c) prune any tree;
- (d) alter the grade level or drainage pattern so as to interfere with the access of water, air or nutrients to any tree;
- (e) remove or interfere with any protective barrier place around any tree;
- (f) commence any work or activity liable to interfere with the root system of any tree;
- (g) by any means, affix or attach a sign or poster to any tree;
- (h) plant any tree;

located on land owned by the Town without the prior written consent of the of the Parks and Facilities Supervisor.

- 13.2 Section 13.1 shall not apply to any person authorized to act under the authority of any municipal bylaw or any provincial or federal legislation.

#### **14. SALE OF GOODS AND SERVICES**

- 14.1 Except when authorized by an agreement with the Town, or with the written permission of the Parks and Facilities Supervisor, no person shall:

- (a) sell or offer for sale any article of food, drink or merchandise, or carry on any business.

#### **15. ADVERTISING**

- 15.1 No person shall distribute any handbills or circulars nor post, place or display any placard, notice, paper, advertising notice device or publicity manner of any kind except such notices that are erected by civic departments dealing with Recreation, Traffic Control, Public Health or Park Safety.

#### **16. PATHWAYS**

- 16.1 Every user shall

- (a) exercise due care and attention to avoid colliding with any other user;
- (b) travel in the right side pathway lane except
  - (i) when safely overtaking and passing another user traveling in the same direction; or
  - (ii) when turning left off the pathway into another pathway, public highway, private road or driveway;
- (c) give an audible signal before overtaking another user, which signal shall be produced a reasonable time prior to overtaking, by voice, bell or other warning device, which is audible to the other user;
- (d) when entering or crossing a pathway, yield to users on the pathway;
- (e) take all necessary precautions to enter the pathway safely;
- (f) obey all signs, markings and user control devices on the pathway;
- (g) not travel on a pathway where signs, markings or user control devices prohibit travel for any or all types of users;
- (h) yield the right-of-way to slower traveling users and pedestrians.

- 16.2 No user on the pathway shall use poles or other hand held aids while wearing in-line skates or roller-skis of any type.

- 16.3 (a) A person who is operating a bicycle on a pathway shall:
- (i) be in control of the movement of the bicycle;
  - (ii) yield the right-of-way to all other users;
  - (iii) not use the bicycle to carry more persons at one time than the number for which it was designed and equipped.
- (b) A bicycle operated on a pathway shall be equipped in the same manner as if the pathway were a highway and the Highway Traffic Act applied to the bicycle, including the requirement for a brake and bell or horn and headlamp and tail lamp for night time operation.
- 16.4 No person shall perform or engage in any stunt, trick, reckless or unsafe activity on a pathway or any planter, railing, curb, barrier, stair or like amenity located on or near a pathway.

## **17. PARK HOURS, PUBLIC GATHERINGS AND SPECIAL EVENTS**

- 17.1. All parks within the Town shall be closed to public gatherings from 11:00 p.m. to 5:00 a.m., unless otherwise authorized in writing by the Parks and Facilities Supervisor.
- 17.2 Section 17.1 shall not apply to persons passing directly through an open space area on their way to a destination outside the open space area.
- 17.3 Any person desiring to hold a special event in a Town park may, not less than four weeks prior to the proposed date of the event, make application to the Supervisor of Parks and Facilities in writing for a Special Event Permit. Such application shall bear the signature, name, address, and telephone number of the applicant person or organization who will be in control of the event and who undertakes to be responsible for the good order and conduct thereof, and shall also contain information with respect to the following:
- (a) the nature and object of the event;
  - (b) the date and time during which the event is proposed to be held;
  - (c) the intended route or area proposed to be covered by the event;
  - (d) any other information required by the Supervisor of Parks and Facilities.
- 17.4 A Special Event Permit entitles the applicant the right to use the park area specified on the permit to the exclusion of any other person at the same site.
- 17.5 Notwithstanding the foregoing, no person shall conduct or participate in a special event in a park using amplified speaker systems, stages, platforms, or other structures without a Special Event Permit.

- 17.6 No person shall conduct or participate in a special event or public gathering in a park, which interferes with the continued peaceful enjoyment of the park and neighbourhood by others.
- 17.7 Any person who continues to participate in a special event or public gathering after being requested by a Peace Officer to leave the area shall be guilty of an offense.

## **18. CLOSURE OF PARK**

- 18.1 The Parks and Facilities Supervisor may, at any time he deems it necessary, temporarily close any park or any portion thereof to the public use.
- 18.2 No person, other than an official or employee of the Town of Cochrane, in the course of his duties, shall enter any park or portion thereof while it is closed.

## **19. GENERAL PROVISIONS**

- 19.1 Persons using any structure, parks or open spaces do so at their own risk and the Town does not warrant such areas to be safe for use at all times.
- 19.2 Council may, in respect to any Parks and Open Spaces within its jurisdiction, make rules and regulations governing the use or uses to which any such parks and open spaces or portion thereof may be used, and may amend and repeal any such rules and regulations made by it.

## **20. PENALTIES**

- 20.1 Any person who contravenes any of the provisions of this bylaw is guilty of an offence and is liable for and subject to the penalties herein provided.
- 20.2 In the case of those bylaw sections listed in the Schedules to this bylaw, the penalty shall be as set forth in the applicable Schedule. For greater certainty, the wording in the Schedules shall be deemed to include all elements of the offence as set forth in the bylaw section creating the offence.
- 20.3 Where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw or in the Schedules annexed hereto, he may serve upon such person a municipal tag allowing payment of the specified penalty to the Town, which shall be accepted by the Town in lieu of prosecution for the offence.

## **21. EXCEPTIONS**

The provisions of this bylaw shall not apply to employees, agents, or volunteers of the Town of Cochrane when they are acting in the performance of their authorized duties.



**22.** This Bylaw shall come into force and take effect on the date of final passing thereof.

READ a first time this  10th  day of  September , 2001 A.D.

READ a second time this  10th  day of  September , 2001 A.D.

READ a Third time, by unanimous consent, this  10th  day of  September  2001.

**Original signed by Lydia Graham**  
MAYOR

**Original signed by Julian deCocq**  
CHIEF ADMINISTRATIVE OFFICER

**Bylaw No. 20/01**

**Schedule A**

Amounts which will be accepted by the Town of Cochrane in lieu of prosecution.

The penalty for a breach of any of the following sections shall be a fine of \$50.00 plus the cost to repair or restore.

<b><u>Section</u></b>	<b><u>Offence</u></b>
4	Climbing on or over a fence located in or at the edges of a park.
5.1(a)	Damage, deface, destroy or remove a structure, fixture, improvement, sign or other property.
5.1(b)	Place or erect any structures, sign, bulletin board, post or pole to any fence, railing, post or structure in any park or open space without permission.
5.1(c)	Contravene any posted or printed regulation governing the use of a park.
5.1(d)	Plug, tamper with, or damage any plumbing, electrical, heating, or other fixtures in park area.
6.1(a)	Littering in open space or park lands.
6.1(b)	Dumping within park and park lands.
7.1	Acting in a manner which is dangerous to life or property, or is detrimental to the use and enjoyment of a park by others.
7.2	Person(s) in contravention of Section 7.2(a)(i)(ii)(iii)(iv).
7.4	Erect, build or locate a trailer, tent, shelter, or other building in an open space or park land without written permission.
7.5	Use any Town lands for the purpose of storage, for gardening or for other similar private uses without permission
8.1	Interfering with the use of an area to which exclusive use has been granted to a group
9.1(a)	Swimming in park or open area
10.1	Camp or reside on any Town lands other than a campground
14.1	Selling food, drink, or carrying on business without permission
15.1	Advertising without permission
16.1	Pathway users in contravention of Section 16.1 (a)(b)(i)(ii)(c)(d)(e)(f)(g)(h)
16.2	Use of poles or other hand held aids while wearing inline skates or roller-skis of any type.
16.3	Operating a bicycle in contravention of 16.3,(a)(i)(ii)(iii) and (b).

**Bylaw No. 20/01**

**Schedule "A" (Continued)**

**Section**

**Offence**

- |      |   |
|------|---|
| 16.4 | Engaging in an unsafe activity.   |
| 17.1 | Participating in public gatherings between 11:00 p.m. and 5:00 a.m. without permission. |
| 17.3 | Holding a Special Event without a permit.   |
| 17.5 | Using amplified speakers, stages, structures, without a permit.                         |
| 17.6 | Interfere with peaceful enjoyment by others.  |
| 18.2 | Entering a park or portion thereof when closed to the public without permission.        |

**Bylaw No. 20/01**

**Schedule B**

The penalty for a breach of any of the following sections shall be a fine of \$250.00 plus the cost to repair or restore.

<b><u>Section</u></b>	<b><u>Offence</u></b>
7.6	Disturbing wildlife in a park.
9.1.(b)	Pollution.
11.1	Making a fire in an undesignated site.
12.1(a)	Operating a vehicle on non-designated areas.
12.1(b)	Park a vehicle in an undesignated area.
12.1(c)	Operating an off-highway vehicle in a park or open space area.
13.1	Tree protection in contravention of Section 13.1(a)(b)(c)(d)(e)(f)(g)(h)
17.7	Failure to leave after request by a Peace Officer.