



Lesser Slave River

BYLAW 2022-03

A BYLAW OF MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO.124 IN THE PROVINCE OF ALBERTA, TO ESTABLISH OPEN SPACES REGULATIONS

WHEREAS the *Municipal Government Act* provides that a Council of a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act* provides that a Council of a municipality 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 the Council of the Municipal District of Lesser Slave River deems it advisable and in the public interest to regulate open spaces within the boundaries of the Municipal District of Lesser Slave River; and

NOW THEREFORE the Council of Municipal District of Lesser Slave River in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as the Municipal District of Lesser Slave River No. 124 "Open Spaces Regulation Bylaw".

2.0 DEFINITIONS

2.1 "animal" means a domestic animal and includes an animal that is wild by nature but has been domesticated;

2.2 "campground" means that portion of an open space, which is designated as a site on which camping is permitted;

2.3 "camping accommodation unit" means a tent, a trailer, a tent trailer, a motor home, a van, or a truck camper used by a person as shelter equipment while camping;

2.4 "campsite" means a designated/assigned/allotted site within a campground for the purpose of providing overnight accommodations in a camping accommodation unit;

2.5 "Control Officer" means any Community Peace Officer and Bylaw Enforcement Officer employed by the Municipality, any municipal employee designated by the Chief Administrative Officer for the purposes of this Bylaw, and any member of the Royal Canadian Mounted Police;

2.6 "day use area" means any open space that is designed and designated for use by patrons between the hours of 7:00 am and 11:00 pm, unless otherwise posted, and is not intended for use as a campsite for overnight accommodations;

2.7 "fee" means the fee provided for the purchase of a campsite permit;

2.8 "firearm" means any device that propels a projectile by means of explosion, spring, air, gas, string, wire or elastic material or any combination of those things;

2.9 "highway" means a highway as defined in the *Traffic Safety Act* but does not include a trail;

2.10 "motor vehicle" means a motor vehicle as defined in the *Traffic Safety Act*;

2.11 "off-highway vehicle" means an off-highway vehicle as defined in the *Traffic Safety Act*;

- 2.12 "open space" means any public land or property that is owned, leased or managed by the Municipal District including but not limited to the following: campgrounds, boat launches, day-use areas, viewpoints, community complexes, playgrounds, parks, trails, staging areas, vacant land, municipal reserves, conservation reserves and environmental reserves.
- 2.13 "Municipality" or "Municipal District" means the Municipal District of Lesser Slave River;
- 2.14 "permit" means a permit issued by the Chief Administrative Officer authorizing camping to take place on an open space;
- 2.15 "permittee" means a person named on a permit issued pursuant to this Bylaw;
- 2.16 "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- 2.17 "special event" means any public or private event, gathering, celebration, concert, festival, competition, contest, exposition or similar type of activity, held indoors, outdoors or a combination of both, which has an expected attendance of more than 300 people, including promoters, staff personnel and entertainers, and includes but is not limited to the following events: festivals, fairs, concerts, dances, rodeos, circuses, trade shows, expositions, exhibitions and competitions.
- 2.18 "towed equipment" means a boat trailer, horse trailer, utility trailer or other equipment that is towed by a motor vehicle, but does not include a camping accommodation unit;
- 2.19 "vehicle" means a vehicle as defined in section 117(b) of the *Traffic Safety Act*.

3.0 GENERAL CONDITIONS

- 3.1 Any person who enters an open space shall comply with:
- 3.1.1 any lawful orders and instructions made or issued pursuant to the Bylaw; and
- 3.1.2 the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.
- 3.2 Signs, including trail markers, and notices erected under this Bylaw are to be treated as documents incorporated by reference into this Bylaw.
- 3.3 No person shall consume alcohol or cannabis in an open space excepting the following:
- 3.3.1 within campsites that have a valid camping permit; and
- 3.3.2 during events in an open space that have a facility rental permit, a liquor licence and special event third party insurance with the Municipal District as an additionally named insured.
- 3.4 Any person using or occupying an open space shall keep the land and improvements in a clean and tidy condition satisfactory to a Control Officer.
- 3.5 Any person vacating an open space shall restore the land as nearly as possible to a clean and tidy condition satisfactory to a Control Officer.
- 3.6 If, in the opinion of a Control Officer, a nuisance exists on or emanates from any open space, the Control Officer may, in writing, order the person causing the nuisance to abate the nuisance or clean the open area, or both.

- 3.7 Where a person fails to comply with an order made pursuant to subsection (3.6), the Control Officer may take whatever steps are necessary to abate the nuisance or clean the open area, or both, and the cost of doing so is recoverable from the person as a debt.
- 3.8 No person shall interfere with the right of others to the quiet and peaceful enjoyment of an open space.
- 3.9 No person who has been removed from an open space pursuant to this Bylaw shall, within the following 72-hour period, enter or attempt to enter any other open space.
- 3.10 No person shall enter or remain in any open space where travel or access restrictions have been imposed by the Municipal District unless authorized by the Chief Administrative Officer.
- 3.11 No person shall deface, injure or destroy any object in an open space, including but not limited to objects created by natural means or otherwise.
- 3.12 No person shall display or post any signs or advertisements in an open space, other than signs and advertisements approved by the Chief Administrative Officer.
- 3.13 No person shall remove, deface, damage or destroy any signboard, sign or notice posted or placed in an open space under the authority of this Bylaw.
- 3.14 No person shall dress, hang or store big game in an open space.
- 3.15 No person shall feed wildlife in an open space.

4.0 EXPLOSIVES AND FIRE WORKS

- 4.1 No person shall, unless authorized by the Chief Administrative Officer:
 - 4.1.1 detonate explosives or explosive devices in an open space; or
 - 4.1.2 set off fireworks in an open space.
- 4.2 A person who is authorized by the Chief Administrative Officer to detonate explosives or explosive devices, or to set off fireworks shall do so in accordance with any requirements set by the Chief Administrative Officer and the Province of Alberta.

5.0 WASTE DISPOSAL

- 5.1 No person shall deposit liquid or solid waste matter in an open space except in a receptacle or area provided for that purpose by the Municipality.
- 5.2 No person shall bring commercial or residential waste matter into an open space for disposal.
- 5.3 In an open space where waste disposal receptacles or areas are not provided, waste matter shall be carried out of the open space for disposal.
- 5.4 No person shall bathe or clean clothing, fish, cooking or eating utensils, vehicles or other equipment at or near a drinking fountain, standpipe, well or pump in an open space.
- 5.5 No person shall remove water from an open space except for the personal use of that person and that person's party in the camping accommodation unit used for camping at the time, or as authorized by the Chief Administrative Officer.

6.0 ANIMALS

- 6.1 No person having the custody or control of an animal, other than a guide dog used by a person in accordance with the *Blind Persons' Rights Act*, shall bring the animal into an open space or allow the animal to enter or remain in an open space unless it is in a cage or is restrained on a leash, chain or other device that is not greater than 2 metres long.
- 6.2 Where an animal defecates in an open space, the person who has custody or control of the animal shall remove the excrement immediately.
- 6.3 No person shall bring an animal, other than a guide dog used by a person in accordance with the *Blind Persons' Rights Act*, into or allow the animal to enter or remain in or on any area in an open space area that is:
- 6.3.1 a designated swimming area;
 - 6.3.2 a beach area adjacent to a designated swimming area;
 - 6.3.3 a public washroom, change house, concession, picnic shelter or other public building or structure; or
 - 6.3.4 an area where signs are posted prohibiting animals.
- 6.4 A Control Officer may refuse to admit to an open space or require to be removed from an open space, any animal if the officer considers it is not under control or may be a nuisance or a danger to the life, safety, health, property or comfort of any person in the open space.
- 6.5 A Control Officer or any other person acting under the Control Officer's supervision may capture any animal running at large in an open space.
- 6.6 A Control Officer or any other person acting under the Control Officer's supervision may destroy an animal while the animal is running at large in an open space area if the Control Officer or person acting under the officer's supervision believes on reasonable grounds that:
- 6.6.1 the animal poses a danger to the life, safety or health of any person in the open space; and
 - 6.6.2 it is dangerous to attempt to capture the animal; or
 - 6.6.3 the Control Officer or person acting under the Control Officer's supervision believes on reasonable grounds that the animal is injured, sick or suffering from a lack of food or water and at least two attempts by the Control Officer or person acting under the officer's supervision to capture the animal have failed.
- 6.7 When an animal is captured under this Bylaw, the Control Officer shall:
- 6.7.1 impound the animal for a period of not more than 72 hours; and
 - 6.7.2 make a reasonable attempt to contact the owner or person having custody of the animal.
- 6.8 The owner of or the person who has custody of the animal who claims a captured animal from a Control Officer shall pay:

- 6.8.1 \$100 for recovering the animal; and
- 6.8.2 \$100 for each 24-hour period or portion thereof during which the animal is impounded.
- 6.9 When an animal is impounded for 72 hours and no person claims it, a Control Officer may dispose of the animal in a reasonable manner.
- 6.10 No person shall bring into or permit to enter an open space a horse or pony or beast of burden under that person's control except on an area of land that has been established for equestrian uses or which the Chief Administrative Officer has approved for equestrian uses, or in respect to which a valid disposition is issued which expressly permits equestrian uses.

7.0 FIRES

- 7.1 No person shall remove firewood from an open space.
- 7.2 Subject to this section, no person shall set, light or maintain a fire in an open space except in a fireplace, pit or other facility provided by the Municipality for that purpose.
- 7.3 No person shall use dead vegetation gathered from the open space as fuel in a fire.
- 7.4 No person shall set, light or maintain a fire anywhere where that activity is prohibited under a provincial fire ban.
- 7.5 No person shall leave a fire unattended or allow a fire to spread.
- 7.6 No person shall deposit or dispose of hot coals, ashes, embers or any other burning or smouldering material in an open space other than in a stove, fire pit or other place provided for that purpose by the Municipality.
- 7.7 A person shall extinguish all fires, hot coals and smouldering materials in an open space before leaving them.

8.0 VEHICLES AND TRAFFIC

- 8.1 The Chief Administrative Officer may:
 - 8.1.1 subject to the *Traffic Safety Act*, control and prohibit the movement of vehicular, pedestrian and other traffic by means of signs and notices designated and erected by the Chief Administrative Officer; and
 - 8.1.2 designate and erect other signs, including trail markers, and notices containing instructions, prohibitions and directions with respect to open space in accordance with this Bylaw.
- 8.2 The existence of a sign or notice referred to in subsection 8.1.2 is prima facie proof that it was properly designated and erected under this Bylaw.
- 8.3 No person shall operate a motor vehicle within an open space except on a highway or with the written authorization of the Chief Administrative Officer, in the case of an area that is not a highway.
- 8.4 No person shall operate or use an off-highway vehicle or any similar specialized means of conveyance, in an open space except:

- 8.4.1 on a trail or in an area set aside and designated or identified by signs, including trail markers, or notices for the use of such off-highway vehicles and in compliance with any rules indicated by such signs or notices as to the types of off-highway vehicles that may or may not be used and as to the use of such off-highway vehicles; or
- 8.4.2 in an area other than a place referred to in subsection 8.4.1, with the written authorization of the Chief Administrative Officer.
- 8.5 No person shall park or leave a vehicle, aircraft, boat, piece of towed equipment or camping accommodation unit or permit a vehicle, boat, piece of towed equipment or camping accommodation unit to be parked or left in an open space other than in a designated campsite or other parking area designated for that purpose by the Municipality.
- 8.6 Notwithstanding any other provision of this Bylaw, a Control Officer may prohibit the entry of a vehicle into any part of any open space.
- 8.7 In this section “abandoned” means left standing at a location for more than 72 consecutive hours, other than pursuant to:
- 8.7.1 a licence, permit or other similar authorization; or
- 8.7.2 prior authorization of a Control Officer.
- 8.7.3 If a vehicle, off-highway vehicle, aircraft, boat, piece of towed equipment, camping accommodation unit, equipment, appliance, article or object is abandoned, remains in an open space after the authorization to be in that area expires, or is located in an open space other than a designated campsite or parking area designated for that purpose, a Control Officer may move the item or cause it to be moved to a location determined by the Control Officer and store it or cause it to be stored or order the owner, operator or person having custody and control of the item to move the item to a location determined by the Control Officer and within a period of time determined by the Control Officer.
- 8.8 Where the owner, operator or person having custody and control of the item fails to comply with the order of a Control Officer under subsection 8.8 the Control Officer may move and store the item or cause it to be moved and stored.
- 8.9 Where a Control Officer moves or stores an item or causes it to be moved or stored under this section, the cost of doing so is the responsibility of the owner of the item, constitutes a lien on the item, may be recovered from the owner in an action for debt, and must be paid before the item is released to the owner, operator or person having custody and control of it.
- 8.10 If an item that is moved and stored pursuant to subsection 8.8 is not, within 30 days of its removal or such longer period as may be determined by the Chief Administrative Officer, claimed by the owner or someone on the owner’s behalf in return for full payment of the removal and storage costs incurred, the item and its contents, if any, shall be delivered to the Municipality to be disposed of in accordance with section 610 of the *Municipal Government Act* as if it were unclaimed property.

9.0 PERMITS AND FEES

- 9.1 The municipality may, in accordance with criteria that the Municipality establishes, designate all or part of an open space as:
- 9.1.1 a campground consisting in whole or in part of campsites;

- 9.1.2 a group area;
- 9.1.3 a day use area; or
- 9.1.4 any other area for a purpose specified by the Municipality.
- 9.2 The Municipality may, in accordance with criteria that the Municipality establishes, designate user fees for all or part of an open space.
- 9.3 All persons entering an open space shall register when required to do so by a sign or notice at or near the entrance to the open space.
- 9.4 The Municipality may issue camping permits and group use permits under this Bylaw.
- 9.5 Permits shall be issued on a first-come first-served basis.
- 9.6 No person shall camp overnight in an open space area:
 - 9.6.1 except in an area designated for that purpose, unless that person is otherwise authorized by the Chief Administrative Officer; and
 - 9.6.2 unless that person has a valid permit under this Bylaw to do so.
- 9.7 No person shall alter a camping permit.
- 9.8 No person shall transfer a camping permit to another person.
- 9.9 The holder of a camping permit shall have it available for inspection at any time and shall produce it for inspection on the request of a Control Officer.
- 9.10 No person who is visiting at a campsite shall park a vehicle on the campsite after 11 p.m., or in a manner or in a location that impedes traffic.
- 9.11 No person shall camp for more than 16 consecutive days in the same campground without the written permission of the Chief Administrative Officer.
- 9.12 No person shall, unless otherwise authorized by a Control Officer, leave a campsite unoccupied.
- 9.13 A camping permit is automatically cancelled if the campsite is, without the authorization of a Control Officer, unoccupied.
- 9.14 A campsite is, for the purposes of this Bylaw, unoccupied if no camping accommodation unit is on the campsite for a period of 48 hours or greater.
- 9.15 A Control Officer may cancel a camping permit if the permit holder or a member of the permit holder's group, or a guest at the campsite, area or facility to which the permit relates contravenes this Bylaw, or a condition to which the permit is subject.
- 9.16 A Control Officer who cancels a permit subsection 9.15 shall give the permit holder written notice of the cancellation.
- 9.17 A permit holder who receives written notice of the cancellation of the permit shall immediately comply and leave the open space.
- 9.18 When a camping permit is cancelled or expires, the permit holder shall ensure that the campsite, area or facility to which the permit relates is vacated and that all equipment and other property belonging to the permit holder or persons in the permit holder's group or to the permit holder's guests are removed from the open space.
- 9.19 If, in the opinion of the Control Officer, a campsite cannot reasonably hold the maximum number of allowable combination of vehicles, camping accommodation units and pieces of towed equipment, the Control Officer may establish the maximum allowable

combination of motor vehicles, camping accommodation units and pieces of towed equipment that are permitted.

10.0 FIREARMS

10.1 No person shall possess a firearm in an open space.

10.2 No person shall discharge a firearm in an open space.

11.0 PEDDLERS & HAWKERS

11.1 No person shall carry on a business in an open space unless that person is the holder of a permit for that purpose or has entered into an agreement for that purpose with the Municipality.

12.0 SPECIAL EVENTS

12.1 No person shall conduct a special event in an open space unless that person is the holder of a permit issued by the Municipality allowing that person to do so as per Special Events Bylaw 2020-11.

13.0 CONTRAVENTION

13.1 For the purposes of this Bylaw:

13.1.1 a person is in possession of something when that person has it in personal possession or knowingly has it in the actual possession or custody of another person, or

13.1.2 has it in any place for the use or benefit of that first-mentioned person or of another person, and

13.1.3 when one of 2 or more persons, with the knowledge and consent of the rest, has anything in custody or possession, it is deemed to be in the possession of each and all of them.

13.2 Where it is proved to the satisfaction of the court trying a case that a provision of this Bylaw has been contravened in relation to a permit by any member of a group of persons who is not the permit holder but whose activities are or purport to be covered by the permit, whether or not that person has been prosecuted for the contravention, the holder of that permit is also a party to and guilty of the offence relating to the active contravention or alleged contravention.

13.3 A permit holder is not guilty of an offence if it is established on a balance of probabilities that that person took all reasonable steps to prevent the contravention in question.

14.0 PENALTIES AND FINES

14.1 Any person who fails to comply with any term or condition of this Bylaw or specified on a permit or a sign or notice erected pursuant to this Bylaw, or obstructs or hinders any other person in the exercise or performance of that person's powers or duties pursuant to this Bylaw, is guilty of an offence and liable upon summary conviction:

14.1.1 for the first offence, to a specified penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw; or

14.1.2 for the second offence, to a specified penalty of two times the original penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw; or

14.1.3 for the third offence, to a specified penalty of three times the original penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw; or

14.1.4 where no specific penalty is specified, a penalty to be imposed in the discretion of the Court having jurisdiction; and

- 14.1.5 each day that a contravention of this Bylaw has occurred may be considered a separate offence.
- 14.2 A notice or form commonly referred to as a Municipal Violation Tag having printed wording approved by the Municipal District may be issued by a Control Officer to any person alleged to have contravened this Bylaw. The said notice shall specify the accused offence and require payment of the specified penalty within 14 days to the Municipal District.
- 14.3 The specified penalty indicated in a Municipal Violation Ticket may be paid in lieu of prosecution.
- 14.4 Notwithstanding subsection 14.2, a Provincial Violation Ticket may be issued for contravention of this Bylaw, specifying the penalty as indicated in subsection 14.1 or requiring an appearance in court without the option of making a voluntary payment.
- 14.5 The validity and interpretation of this Bylaw and of each clause or part is to be governed by the laws of the Province of Alberta.
- 14.6 The onus of proving that a person has a valid and subsisting permit is on the person alleging the existence of the permit on a balance of probabilities.
- 14.7 The onus of proving that a person is exempt from the provisions of this Bylaw requiring a permit is on the person alleging the exemption on a balance of probabilities.

15.0 DELEGATION OF POWERS

- 15.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:
- 15.1.1 carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
 - 15.1.2 take any steps or carry out any actions required to enforce this Bylaw;
 - 15.1.3 take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - 15.1.4 establish forms for the purposes of this Bylaw;
 - 15.1.5 refuse to issue a Permit with or without terms and conditions as deemed appropriate and acting reasonably; and
 - 15.1.6 delegate any powers, duties or functions under this Bylaw to an employee of the Municipality.

16.0 OTHER PERMITS AND APPROVALS

- 16.1 Nothing in this Bylaw relieves any person from any requirement to obtain any license, permit or approval under any other Bylaw of the Municipality or any provincial or federal statute or regulation.

17.0 SEVERABILITY

- 17.1 If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole Bylaw.

18.0 REPEAL

- 18.1 Bylaw 2020-14 Open Spaces Regulation is hereby repealed.

19.0 EFFECTIVE DATE

19.1 This Bylaw takes effect immediately after third reading and upon being signed.

READ for a first time this 23rd day of March 2022.

READ for a second time this 23rd day of March 2022.

APPROVED UNANIMOUSLY to proceed to third reading this 23rd day of March 2022

READ for a third and final time this 23rd day of March 2022.



Reeve



Chief Administrative Officer

SCHEDULE "A"
Schedule of Specified Penalties

Section	Particular	Penalty (\$)
3.1	Fail to obey lawful order	C
3.2	Fail to obey lawful signs/notices	180
3.3	Possess/consume liquor or cannabis in an open space area where prohibited	120
3.4	Fail to keep open space area land etc. in satisfactory condition	180
3.5	Fail to restore land to clean/tidy condition when vacating open space area	180
3.8	Interfere with others' quiet enjoyment of an open space area	300
3.9	Attempt to enter an open space area w/i 72 hours of removal from an open space area	C
3.10	Unlawfully enter/remain in an open space area	300
3.11	Deface/injure/destroy object in an open space area	300
3.12	Unauthorized display signs/ads in an open space area	120
3.13	Remove/damage etc. authorized signs/notices in an open space area	300
3.14	Dress/hang/store big game in an open space area when unauthorized	180
3.15	Feed wildlife in an open space area	300
4.1	Detonate explosives/explosive devices in an open space area w/o authorization	C
4.1	Set off fireworks in an open space area w/o authorization	300
4.2	Detonate explosives/explosive devices in an open space area when authorized contrary to specified requirements	C
4.2	Set off fireworks in an open space area when authorized contrary to specified requirements	300
5.1	Deposit waste matter in unauthorized area of an open space area	180
5.2	Dispose of commercial/residential waste in an open space area	300
5.3	Fail to carry waste matter from areas in an open space area w/o receptacle	180
5.4	Bathe/clean clothing/fish/utensils etc. at/near drinking fountain/pump etc. in an open space area	180
5.5	Remove water not for use of self/camping party in an open space area as authorized by the CAO	180
6.1	Bring animal/allow animal to enter/remain in an open space area not in cage/not restrained by leash/chain/rein etc. ≤ 2 m long	100
6.2	Fail to immediately remove excrement when animal defecates anywhere in an open space area	100
6.4	Bring animal into/allow to enter/remain in swim area/on beach near swim area/in public washroom/change house/other public building etc./where signs prohibit animals	100
6.11	Bring/allow horse/pony etc. unauthorized into open space area	100
7.1	Remove firewood from an open space area	300
7.2	Light/maintain fire not in authorized facility	300
7.4	Set/light/maintain fire when prohibited	300
7.5	Leave fire unattended	300
7.5	Allow fire to spread	C
7.6	Deposit/dispose of hot coals/ashes etc. in unauthorized place	300
7.7	Fail to extinguish fire etc. before leaving	300
8.3	Unauthorized operation of motor vehicle off highway in an open space area	300
8.4	Unauthorized travel by OHV in an open space area on non-designated trail, etc.	300
8.5	Permit to park motor vehicle/boat/trailer etc. in non-designated campsite/area in an open space area	60
9.3	Fail to register when required on entering an open space area	120
9.6	Camp overnight in an open space area in non-designated area w/o permit	120
9.7	Alter camping permit	120
9.8	Transfer camping permit	60
9.9	Fail to keep permit available/produce for inspection on request	60
9.19	Exceed maximum number of motor vehicles/camping accommodation units/pieces of towed equipment per campsite	120
9.10	Park vehicle on campsite after 11 pm in a manner/location that impedes traffic	120
9.11	Unauthorized camp in same campground over 16 consecutive days	120
9.12	Unauthorized leave campsite unoccupied	60
9.15	Fail to leave open space area when permit cancelled	300
9.17	Fail to vacate campsite/area/facility and remove all equipment/other property and persons from open space area when camping/group use permit cancelled	C
10.1	Unauthorized possession of firearm in an open space area	300
10.2	Unauthorized discharge of firearm in an open space area	300
11.1	Carry on business in an open space area w/o permit	300
12.0	Conduct special event in an open space area w/o permit	C

C = Court appearance required