

BY-LAW #121-12

A BYLAW OF THE SUMMER VILLAGE OF JARVIS BAY, IN THE PROVINCE OF ALBERTA, TO CONTROL THE USE OF THE PETRO BEACH PARK

WHEREAS the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, Part 2, Section 7 and 8 and amendments thereto, authorizes the Council of a municipality to pass bylaws pertaining to the protection of people, property and transportation systems, and

WHEREAS within the corporate limits of the Summer Village of Jarvis Bay is a public park named Petro Beach under the ownership, control and management of the Summer Village of Jarvis Bay, and

WHEREAS it is deemed desirable and expedient to provide for the control and use of this park, and

WHEREAS the Council of the Summer Village of Jarvis Bay considers it desirable and expedient to do so.

NOW THEREFORE the Council of the Summer Village of Jarvis Bay, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 – NAME OF BYLAW

This Bylaw shall be known as “The Petro Beach” Bylaw

SECTION 2 – PURPOSE OF THIS BYLAW

The Summer Village of Jarvis Bay wishes to preserve the integrity of Petro Beach for the future. The purpose of this bylaw is as follows:

1. To set forth the objectives of Petro Beach;
2. To set forth restrictions on Petro Beach;
3. To outline action which may be taken in cases of contravention of the Petro Beach bylaw

SECTION 3 – DEFINITIONS

In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- a) “All Terrain Vehicle” includes a motorized recreational vehicle commonly known as a quad or trike and is included in the term “off highway vehicle”.
- b) “Council” means the Council of the Summer Village of Jarvis Bay.
- c) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Special Constable, or Bylaw Enforcement Officer.
- d) “Person” means any person, individual, owner, public body, society, firm or partnership.
- e) “Snow Vehicle” includes a recreational vehicle with motor, skis and tracks commonly known as a snowmobile or skidoo, and are included in the term “off-highway vehicle”.
- f) “Structure” means building, sheds, fences, tree houses, swings and similar installations.
- g) “Summer Village” means the Summer Village of Jarvis Bay.
- h) “Trailer” means a vehicle so designated that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling, sleeping or living place.
- i) “Vehicle” means a motor vehicle as defined in the Alberta Traffic Safety Act.

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SECTION 4 – PARKS– USES

The Summer Village of Jarvis Bay is fortunate to have a rich resource in Petro Beach. This area is largely undeveloped and contributes to the quality of natural habitat for birds and small wildlife and enhances the rural setting of the Village.

1. The objectives of Petro Beach are as follows:
 - (a) To preserve environmental lake-quality and the natural rural park setting of the Village.
 - (b) To provide parkland for day-use by the public at large.
 - (c) To provide public access to the lake.
2. Petro Beach may only be used for the following purpose
 - (a) Public Park;
 - (b) Public Recreation Area
3. Any development in Petro Beach must be initiated or approved in writing by Council. “Development” would include, but not limited to:
 - (a) Playground development
 - (b) Areas for Volleyball, Basketball, outdoor recreational use;
 - (c) Structures or buildings of any kind;
 - (d) Horseshoe pits;
 - (e) Any other development in Petro Beach
4. Storage of pier sections and boat lifts will result in their removal at the owner’s expense. Storage of any other equipment will result in their removal at the owner’s expense.

SECTION 5 – PETRO BEACH – RESTRICTIONS

1. In Petro Beach no person or persons shall:
 - (a) Park any motor vehicle overnight;
 - (b) Park any vehicle in excess of 18 feet;
 - (c) Light a fire;
 - (d) Abandon any garbage or refuse of any kind including animal droppings;
 - (e) Interfere with wildlife;
 - (f) No dogs are allowed in Petro Beach in order to protect sensitive wildlife habitat;
 - (g) Behave in a noisy, abusive or threatening manner towards others;
 - (h) Be in possession of alcohol, a firearm or other weapon;
 - (i) Erect a structure of any kind;
 - (j) Store or leave any device or equipment;
 - (k) Use Petro Beach to launch trailered boats;
 - (l) Store any other kind of equipment such as boats, canoes, floats, boat trailers, etc;
 - (m) Use motorized vehicles or ATV’s except for specific authorized tasks, such as moving pier sections or maintenance;
 - (n) Cut or remove vegetation without Village approval;
 - (o) Encroach on Parkland for any reason;
2. No vehicles, off-highway vehicles or trailers are allowed beyond the designated parking area at any time except for the following:
 - (a) Vehicles, off-highway vehicles or trailers owned by utility companies who require access to their installations for construction, repair or maintenance purposes,

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- (b) Any vehicle, off-highway vehicle or trailer authorized by Council, or the Administrator of the Summer Village, may enter any of the parks for the construction, repair or maintenance of any structures or for any community event approved by Council,
- (c) Any emergency vehicle such as those used by Police, fire departments or ambulance services,
- (d) Snow vehicles and all terrain vehicles, used for winter recreational purposes, as described immediately below.

In addition:

- (e) Operators of all vehicles and off-highway vehicles shall be responsible for all damages incurred by operations of their vehicles in the park.
- (f) Off-highway vehicles shall be fitted with a forestry approved spark arrester and muffler that meet OEM noise reduction specifications.

3. Winter Uses

Note: Snow vehicles and all terrain are restricted to use only in winter conditions and then only for the purpose of gaining access to and from the lake ice and only with conditions of suitable snow cover to prevent on land environmental damage. Operators of such vehicles shall avoid climbing embankments and hills or other sections of Petro Beach that would be sensitive to damage. They must refrain from using areas showing previous damage.

SECTION 6 – LIABILITIES

Owners of piers, boat lifts and associated equipment attached to or stored on water front reserves and parks within the Village shall be responsible for safely locating such equipment and maintaining such equipment in good condition without risk to the public or the environment. The Summer Village of Jarvis Bay assumes no liability for this equipment, or its use by the Owner or the Public.

SECTION 7 – SEVERABILITY

Should any section or part of the Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 8 – CONTRAVENTIONS

A Special Constable authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where this tag is not paid by the offender, a Part 2 violation tag may be issued under the *Provincial Offences Procedures Act* R.S.A., Chapter 2000, P-34, to that person.

Any person who contravenes this section can be charged as well as assessed the cost of restoration. Any person who contravenes the provisions of this Bylaw shall be guilty of an offense and liable on summary conviction to the penalty as set out in Schedule "A".

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In some situations both the Village and the Provincial Government may be involved and occasionally the Federal Government. As a result, penalties can be severe.

The Village may use physical barriers to control abuse or encroachment rather than invoke penalties.

Enforcement is by the Local Constabulary.

SECTION 9 – EFFECTIVE DATE

READ a first time this 22 day of August, 2012 A.D.

READ a second time this 22 day of August, 2012 A.D.

Moved by Unanimous consent to move to third reading this 22 day of August, 2012 A.D.

READ a third time and finally passed this 22 day of August, 2012 A.D.

Bob Thomlinson, Mayor
Summer Village of Jarvis Bay

Phyllis Forsyth, Chief Administrative Officer
Summer Village of Jarvis Bay

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Schedule "A"

Penalties

Offence	Section	Fine
Unauthorized use of vehicles, off highway vehicles or trailers in any reserve of park	5	\$100.00
Camping, causing or having fires, cutting of brush or trees, damaging natural growth, depositing waste or obnoxious use of Petro Beach	5	\$100.00
Games dangerous to the health and safety of others in Petro Beach	4&5	\$150.00
Placing of structures or excavations in Petro Beach, plus removal costs.	4&5	\$100.00
Interference with the natural flow of water or with wildlife in Petro Beach.	4&5	\$75.00
Behaving in a noisy and abusive manner or being in possession of alcohol in Petro Beach.	5	\$100.00
Placing of unauthorized material or abandoning material in Petro Beach, plus removal costs.	5	\$100.00
Failure to inscribe boat-lifts, piers and associated equipment with the Owners' lot number.	8	\$50.00