

**SUMMER VILLAGE OF JARVIS BAY
USE OF RESERVES, PARKS AND PATHWAYS
BY-LAW 158-18**

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 there are reserves, public parks, and pathways 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 these reserves, parks, and pathways, and

WHEREAS the Alberta Traffic Safety Act, and amendments thereto, authorizes the Council of a municipality, with respect to highways under its direction, to control, manage and pass bylaws authorizing persons to operate vehicles on any portion of such highways, 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:

TITLE

1. This Bylaw may be referred to as the “Use of Reserves, Parks and Pathways Bylaw”

PURPOSE

2. The Summer Village of Jarvis Bay wishes to preserve the integrity of its Municipal Reserves, parks and pathways for the future. The purpose of this bylaw is as follows:
 - (a) To set forth the objectives of the Village Municipal Reserves, Parks, and Pathways
 - (b) To set forth restrictions on Village Municipal Reserves, Parks, and Pathways
 - (c) To outline action which may be taken in cases of contravention of the Municipal Reserve, Parks, and Pathways bylaw

DEFINITIONS

3. In this Bylaw, words have the meanings set out in the Act, except that:
 - (a) **“All-Terrain Vehicle”** includes a motorized recreational vehicle commonly known as a quad or side by side and is included in the term “off highway vehicle”.
 - (b) **“Council”** means the Council of the Summer Village of Jarvis Bay.
 - (c) **“Firearms”** means any weapon from which any shot, bullet or other projectile capable of causing bodily injury or death

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can be discharged and includes air guns, air rifles, air pistols, B.B. guns, sling shots, all types of archery equipment, and gas-powered guns.

- (d) **“Highway”** means a highway as defined in the Alberta Traffic Safety Act, and amendments thereto and excludes pathways defined in h) below. In this Bylaw the term “road” is synonymous with the term “highway”.
- (e) **“Off-highway Vehicle”** means an off-highway vehicle as defined in the Alberta Traffic Safety Act.
- (f) **“Operator”** means a person who drives or is in actual physical control of any vehicle.
- (g) **“Owner”** includes a person renting any vehicle or having exclusive use of that vehicle for a period of more than thirty days.
- (h) **“Pathway”** means any paved, graveled or natural walkway used by pedestrians and people using mobility aids, such as wheelchairs, and people using bicycles within the Summer Village.
- (i) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Peace Officer, or a Bylaw Enforcement Officer.
- (j) **“Person”** means any person, individual, owner, public body, society, firm or partnership.
- (k) **“Reserve”** means any area designated as a public reserve, environmental reserve, community reserve, or park, title to which is vested in the Summer Village of Jarvis Bay.
- (l) **“Snow Vehicle”** includes a recreational vehicle with motor, skis and tracks commonly known as a snowmobile or skidoo, and is included in the term “off-highway vehicle”.
- (m) **“Structure”** means buildings, sheds, fences, tree houses, swings and similar installations.
- (n) **“Summer Village”** means the Summer Village of Jarvis Bay.
- (o) **“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.
- (p) **“Vehicle”** means a motor vehicle as defined in the Alberta Traffic Safety Act.

RESERVES, PARKS, AND PATHWAYS – USES

4. The Summer Village of Jarvis Bay is fortunate to have a rich resource in Municipal Reserve areas. These areas are largely undeveloped and contribute to the quality of natural habitat for birds and small wildlife and enhance the rural setting of the Village.

(a) The objectives of the Municipal Reserves as per the Municipal Development Plan are as follows:

- i. To maintain the privacy of all residents and ensure that negative impacts of non-resident users are mitigated.
- ii. To maintain and enhance the environmental integrity of the open spaces and provide a greater variety of passive recreational activities.
- iii. To ensure that the provision of open space and reserve land is in balance with the demands of the residents.
- iv. To ensure that public areas do not become an economic burden on local ratepayers.

(b) As per the Municipal Government Act, Municipal Reserves may only be used for the following purposes:

- i. Public Park;
- ii. Buffer Strip to Separate Areas of Different Use;
- iii. Public recreation area.

(c) Any development on Municipal Reserves must be initiated or approved in writing by Council. “Development” would include, but not limited to:

- i. Structures or buildings of any kind
- ii. Any other development on Municipal Reserves

RESERVES, PARKS, AND PATHWAYS - RESTRICTIONS

5. On Village Reserves no person or persons shall:

- (a) Light a fire;
- (b) Abandon any garbage or refuse of any kind including animal droppings;
- (c) Interfere with wildlife;
- (d) Yell, scream or swear;

- (e) Be in possession of a firearm or other weapon;
 - (f) Use a Reserve to launch trailered watercraft;
 - (g) Use motorized vehicles or ATV's except for specific authorized tasks. Off-highway vehicle use is permitted along the Township Road 391 right-of-way;
 - (h) Cut or remove vegetation without Village approval;
 - (i) Store any private property of any kind on Reserve land. Any private property found on Reserve land will result in the removal of the property at the owner's expense.
6. No vehicles, off-highway vehicles or trailers are allowed in any reserve or park 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,
 - (b) Any vehicle, off-highway vehicle or trailer authorized by Council, or the Administrator of the Summer Village, may enter any of the parks or reserves 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 per Bylaw 113-11 - Control of Snow Vehicles & Off Highway Vehicles.

In addition:

- (e) Operators of all vehicles and off-highway vehicles shall be responsible for all damage incurred by operation of their vehicles in any reserve or park.
- (f) Off-highway vehicles shall be fitted with a forestry approved spark arrester and muffler that meets OEM noise reduction specifications

LIABILITIES

7. The Summer Village of Jarvis Bay assumes no liability for any equipment, or its use by the Owner or the Public.

SEVERABILITY

8. 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.

CONTRAVENTIONS

9. A Designated Officer authorized to enforce this Bylaw under Part 13, Division 4 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 written order, and where this written order is not paid by the offender, a Part 2 violation ticket may be issued under the Provincial Offences Procedures Act R.S.A 2000, Chapter P-34, to that person.

10. 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”.

11. 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.

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

READ a first time this day of , 2018.

READ a second time this day of , 2018.

READ a third and final time this day of , 2018.

Bob Thomlinson, Mayor

Phyllis Forsyth, C.A.O.

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<u>SECTION</u>	<u>PARTICULARS</u>	<u>PENALTY</u>
Section 5 (a)	Light a fire 1 st Offence 2 nd Offence within 1 year 3 rd Offence within 1 year	\$250.00 \$500.00 \$1000.00
(b)	Abandon any garbage or refuse of any kind, including animal droppings	\$250.00
(c)	Interfere with wildlife	\$100.00
(d)	Yell, scream, or swear	\$100.00
(e)	Be in possession of a firearm or other weapon	\$250.00 to \$2500.00
(f)	Use a Reserve to launch trailered watercraft	\$100.00
(g)	Use motorized vehicles or ATV's except for specific authorized tasks	\$250.00
(h)	Cut or remove vegetation without village approval	\$500.00 + cost to replant
(i)	Store any private property of any kind on Reserve land	\$100.00 + cost of removal