

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

**A BYLAW TO AUTHORIZE THE REGULATING OF PARKS WITHIN THE  
TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, pursuant to the Municipal Government Act R.S.A. 2000, c. M-26 and amendments thereto, Council may pass a bylaw for the purpose of regulating Parks within the Town of Black Diamond;

**NOW THEREFORE** the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, enacts as follows:

**1. TITLE**

1.1 This Bylaw may be cited as the Town of Black Diamond “Parks Bylaw”.

**2. DEFINITIONS**

2.1 “**Council**” means the Council of the Town of Black Diamond.

2.2 “**Dog**” means a member of the canine family.

2.3 “**Firearm**” means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes;

(i) any frame or receiver of such a barreled weapon, as well as

(ii) anything that can be adapted for use as a firearm.

2.4 “**Highway**” means a Highway as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended from time to time.

2.5 “**Livestock**” means

(i) A horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;

(ii) domestically reared or kept deer, reindeer, moose, elk ,or bison;

(iii) farm bred fur bearing animals, including foxes and minks;

(iv) animals of the bovine species;

(v) animals of the avian species including chickens, turkeys, ducks, geese, pigeons or pheasants; and

(vi) all other animals that are kept for agricultural purposes, but does not include dogs, cats or other domesticated household pets.

2.6 “**Motorcycle**” means a Motor cycle as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended from time to time.

2.7 “**Motor Vehicle**” means a Motor Vehicle and includes a trailer as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended from time to time.

**BYLAW 16-03**  
**TOWN OF BLACK DIAMOND**

- 2.8 “**Nuisance**” means any use of or activity within a Park which is likely to interfere with any Person’s use and enjoyment of the Park or to have a detrimental impact on any Person or property in the Park, including without limitation:
- (i) drawing, painting, or writing a message upon, or placing graffiti on any structure or object within a Park, without permission of the Town of Black Diamond or the authorized Operator of the Park;
  - (ii) vandalism to any structure or object within a Park;
  - (iii) any other offensive or inappropriate behaviour within a Park;
  - (iv) fighting or similar confrontation within a Park.
- 2.9 “**Off-Highway Vehicle**” means Off-Highway Vehicle as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended from time to time.
- 2.10 “**Park**” means any property, whether developed or not, owned, controlled or maintained by the Town that is:
- (i) public outdoor land and green space specifically designated for passive or active recreation, or environmental conservation, including tot-lots, playgrounds, walkways, trails, environmentally significant areas, forest reserves, greenbelts, conservation areas, buffers, nature interpretation areas and similar land uses;
  - (ii) all natural and man-made landscaping, facilities, sports fields, accesses, trails, pathways, buildings and structures consistent with the general purpose of Park land whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the Park. This includes a broad range of accessory uses, including commercial, serving Park users and compatible with Park objectives;
  - (iii) any land acquired by the Town as municipal reserve, school reserve, municipal and school reserve, Public Utility Lots, undeveloped Road Allowances, Fee-Simple lands owned by the Town or used by the Town for the purposes of public recreation or environmental reserve as those terms are used in the Municipal Government Act, R.S.A. 2000, c. M-26, as amended from time to time, insofar as the terms of any license or lease for grazing or agricultural purposes granted by the Town over such reserves contradicts the terms of the Bylaw, the terms of the license or lease shall prevail;
  - (iv) any land designated by the Town as a Park or recreational area, including areas leased to the Town, for the purposes of the Bylaw; and

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

- (v) any land developed or designated by the Town as trail system, including both urban and rural pathways other than Sidewalks.
- 2.11 “**Peace Officer**” means a member of a Royal Canadian Mounted Police (RCMP), or a Community Peace Officer appointed by the Town of Black Diamond.
- 2.12 “**Person**” means an individual, corporation, firm, partnership, association, or body corporate.
- 2.13 “**Portable Appliance**” means any appliance sold or constructed for the purpose of cooking food in the outdoors, in which a fire may be safely contained.
- 2.14 “**Projectile**” means any physical article capable of being launched or propelled including but not limited to fireworks, explosives of any type, air-soft guns, firearms, stones, rockets, golf balls and arrows, but excepting the recreational use of sports equipment, such as, but not limited to baseballs, soccer balls, footballs, beachballs, beanbag games, fishing tackle, badminton racquets, or similar equipment that is suited to a public Park setting and is being used in such a manner as to not affect the safety or enjoyment of any other users of the Park.
- 2.15 “**Roadway**” means a Roadway as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended from time to time.
- 2.16 “**Sidewalk**” means a Sidewalk as defined in the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended from time to time.
- 2.17 “**Storm Water Management Facility**” means an area designated to temporarily store excess storm water runoff flow within a drainage system and may include, but is not limited to; wetlands, constructed wetlands, storm water wetlands, wet and dry ponds, man-made creeks, overland drainage systems and bio-swales located within utility right of ways (easements) and Town owned properties (public utility lots and reserves).
- 2.18 “**Vegetation**” includes all trees, shrubs, plants, flowers, grasses and groundcover, whether it is in its wild or natural state or has been planted.
- 2.19 “**Violation Tag**” means a tag or similar document issued by the Town, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26 as amended from time to time.
- 2.20 “**Violation Ticket**” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended from time to time.
- 2.21 “**Wildlife (wild animal)**” means as defined in the Wildlife Regulation A.R. 143/97, as amended from time to time.

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

**3. APPLICATION**

- 3.1 This Bylaw shall apply to all Parks in the Town, subject to any exceptions provided in any Statute of the Province of Alberta or any agreement entered into by the Town affecting any Park or part thereof.

**4. PARK PROPERTY**

- 4.1 No Person shall damage, disturb, destroy, remove, affix signage to, or otherwise interfere with or use for a purpose not intended, any Vegetation in a Park.
- 4.2 No Person shall walk, cross, ride or otherwise traverse any Vegetation where such conduct is prohibited by posted signage.
- 4.3 No Person shall;
- dig or excavate,
  - conduct any construction or building operations.
  - build or erect any structure, whether permanent or temporary, such as but not limited to: benches, tables, pergolas, windscreens, fences, retaining walls, woodpiles/woodsheds or storage containers/buildings (other than items that are clearly of a “day use” nature, such as pop up sunshades, folding or collapsible lawn furniture, or similar items that one would expect to be used in a Park to facilitate a short term visit, such as a picnic),
- unless prior written approval for such has been obtained from the Town.
- 4.4 No Person shall mark, deface, climb, post, paint or affix any advertisement, bill, poster, picture or thing or otherwise interfere with any signage, fence, building, wall, bench, exhibit, or any other property that the Town has erected or caused to be erected in a Park unless prior written approval has been obtained from the Town.
- 4.5 No Person shall plant any Vegetation in any Park unless prior written approval has been obtained from the Town.
- 4.6 No Person shall build, erect or create a jump or ramp in a Park unless prior written approval has been obtained from the Town.

**5. DANGEROUS OBJECTS**

- 5.1 No Person, while in a Park, shall:
- (i) cast, throw, discharge, ignite, fire or otherwise launch any Projectile;
  - (ii) operate any remote-operated or computer-operated airborne device, such as but not limited to, drones or remote controlled aircraft, or cause such device to be operated within a Park;
  - (iii) propel a golf ball in any manner;
  - (iv) possess any firearm or weapon;
- except in an area designated for that purpose, or unless prior written approval has been obtained from the Town of Black Diamond.

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

**6. CONDUCT**

- 6.1 No Person shall consume alcohol in a Park unless the necessary written approvals have been obtained from the Town and from the Alberta Gaming and Liquor Commission, and then only in such areas within a Park as designated by the Town, and only in accordance with any conditions imposed by the Town and/or the Alberta Gaming and Liquor Commission.
- (i) Any Park designated by the Town as a campground may permit a Person who is of legal age and who is either registered as a guest of the campground or is visiting a registered guest of the campground to consume alcohol only on the campsite rented by the registered guest, unless the authorized operator of the campground has prohibited the consumption of alcohol on the property.
- (ii) Alcohol is not permitted in the common-use or day-use areas of a campground, unless the authorized operator of the campground has obtained all required approvals from the Town and the Alberta Gaming and Liquor Commission.
- 6.2 No Person shall enter or remain in any Park while intoxicated by any alcohol or other intoxicating substance.
- 6.3 No Person shall urinate or defecate in a Park, except in a facility designed for such use.
- 6.4 No Person shall participate in an activity defined as a Nuisance in a Park.
- 6.5 No Person shall contravene any signage within a Park which has been affixed by the Town.
- 6.6 No Person shall act in any way in a Park that is reasonably likely to cause injury to another Person or to themselves, or to cause damage to property.

**7. CAMPING**

- 7.1 No Person shall set up any form of temporary or permanent abode, or otherwise camp in a Park, except in an area designated by the Town as a campground.
- 7.2 Notwithstanding section 7.1, the Town may, in the event of an emergency, temporarily designate a Park as a campground for the purpose of providing shelter during or immediately following the emergency.

**8. BUSINESS**

- 8.1 No Person shall offer for sale or sell any good or service within a Park, unless prior written approval has been obtained from the Town. In such event, all federal, provincial and municipal codes, statutes, regulations and laws must be adhered to.
- 8.2 No Person shall place or erect any signs for the purpose of advertising in a Park, unless prior written approval has been obtained from the Town.

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

**9. FIRES**

- 9.1 Fires are permitted only in Parks that have been designated as campgrounds, or in Parks that have been approved by the Town to allow fires.
- 9.2 No Person shall start or permit to be started or maintain any fire in a Park unless it is confined to the fireplaces provided in the Park, by the Town or by the authorized operator of the Park for that purpose, or in a Portable Appliance.
- 9.3 No person shall fuel a fire permitted under this Bylaw with, or otherwise place in a fire, any material or object other than seasoned wood, charcoal, natural gas, propane or other clean fuel appropriate for the fireplace or Portable Appliance being used.
- 9.4 No Person shall leave a fire unattended.
- 9.5 Any fire ban or burning restriction implemented by the Town shall apply in all Parks and campgrounds in the Town, regardless of whether operated by the Town or by an authorized operator, and no Person shall start or permit to be started or maintain any fire contrary to a fire ban or burning restriction.

**10. ANIMALS**

- 10.1 No Person shall allow a Dog under their care or control or for which they are otherwise responsible to be in a Park where prohibited by signage.
- 10.2 No Person shall allow Livestock under their care or control or for which they are otherwise responsible to be in to be in a Park unless prior written approval has been obtained from the Town, in accordance with the Town's Animal Control Bylaw.
- 10.3 No Person, or animal under the care or control of that Person, shall tease, molest or injure any mammal, bird, amphibian or reptile, or take, destroy or disturb eggs or nests of any animal or bird in any Park, or throw any substance at or near such creatures in a Park in such a way as to cause them alarm or possible injury.

**11. VEHICLES**

- 11.1 No Person shall drive, operate or park a Motor Vehicle or Motorcycle in a Park, except on a Roadway in the Park designed for that purpose, unless authorized in writing by the Town.
- 11.2 No Person shall drive, operate or park an Off-Highway Vehicle in a Park except where authorized by signage, or with prior written approval by the Town.

**12. PARK HOURS AND CLOSURES**

- 12.1 All Parks within the Town, unless otherwise indicated by signage, shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m. All campgrounds shall designate, and indicate with signage, hours when visitors are permitted in the campground, and such hours shall apply to day use areas, common use areas and to campsites.

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

- 12.2 No Person shall enter into or remain in a Park, or any part thereof, that is closed.
- 12.3 No Person shall leave any Motor Vehicle or Off-Highway Vehicle, including any sort of trailer, in a Park between 11:00 p.m. and 6:00 a.m., unless prior written approval has been obtained from the Town or unless the Motor Vehicle is the transportation of a Person who is registered in a campground, and the Motor Vehicle is parked in that Person's campsite or in a designated visitor area of that campground.
- 12.4 The Town maintains the right to close or restrict the use of a Park, or any portion of a Park, at any time, without advance notice to the public; for public safety, repairs, restorations, improvements, to use for other purposes during an emergency or for any other reason deemed necessary by the Town, and for whatever length of time is deemed appropriate by the Town to accommodate the reason for the closure.
- 12.5 Where a Park, or any part thereof, is closed to public use pursuant to Section 12.4, signage shall be posted to that effect.
- 12.6 Any Person in a Park when it is closed may be asked to leave by a Peace Officer or may be issued a Violation Tag or a Violation Ticket.
- 12.7 Any Person who refuses to leave a Park after having been asked to do so by a Peace Officer, or who has been issued a Violation Tag or a Violation Ticket for contravening this Bylaw, may be removed from the Park.

**13. DELEGATION OF AUTHORITY**

- 13.1 A Peace Officer under this Bylaw is hereby delegated to authority to:
- (i) enter on and inspect any land, road, structure or work in the Park;
  - (ii) order any Person in a Park to cease or refrain from any action or conduct which constitutes a breach of this Bylaw, is dangerous to life or property, or detrimental to the use and enjoyment of the Park by others;
  - (iii) order any Person to disperse or leave the Park if they are contravening the Bylaw;
  - (iv) remove from the Park:
    - any Person who has, under reasonable probably grounds, contravened any provision of this Bylaw;
    - any Person who is found, by a Peace Officer, to be in contravention of any section of this Bylaw. Contravention of the Bylaw may be considered an offence under the *Petty Trespass Act of Alberta* if the Person is told they are in contravention of this bylaw;
    - any Person who is found, by a Peace Officer, to be suspended from entering or using the facilities of a Park;
    - any Person who breaches any provision of this Bylaw or the Town's Public Order Bylaw, or who breaches a law of Canada or the Province of Alberta in or about a Park.

**BYLAW 16-03**  
**TOWN OF BLACK DIAMOND**

**14. OFFENCES**

- 14.1 Any Person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty in lieu of prosecution, as set out in Schedule A of this Bylaw.
- 14.2 Notwithstanding Section 14.1 of this Bylaw, any person who commits the same offence twice or more times within a one (1) year period is liable to a penalty in lieu of prosecution, which doubles the penalty amount set out in Schedule A of this Bylaw.
- 14.3 Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Town to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.

**15. VIOLATION TAG**

- 15.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of the Bylaw.
- 15.2 Where a contravention of the Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 15.3 A Violation Tag may be issued to such Person either:
  - (i) in person; or
  - (ii) by leaving it for the Person at his/her residence with a person on the premises who appears to be at least eighteen years of age and such service shall be deemed adequate for the purpose of this Bylaw.
- 15.4 The Violation Tag shall be in such a form as determined by the Town and shall state the Section of the Bylaw which was contravened, the amount of the penalty as provided for in Schedule A of this Bylaw that will be accepted by the Town in lieu of prosecution, and that the penalty shall be paid within thirty (30) days of issuance of the Violation Tag.
- 15.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Black Diamond, the penalty specified in the Violation Tag.
- 15.6 Notwithstanding the provisions of this Section, a person to whom a Bylaw Violation Tag has been issued may exercise his/her right to defend any alleged violation of the provision of this Bylaw.



**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

**16. VIOLATION TICKET**

- 16.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*.
- 16.2 Notwithstanding the foregoing and Section 15 of this Bylaw, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of the Bylaw.
- 16.3 Where a contravention of the Bylaw is of a continuing nature, further Violation Tickets may be issued by a Peace Officer, provided that no more than one Violation Ticket shall be issued for each day that the contravention continues.
- 16.4 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- 16.5 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in the Schedule "A" to this Bylaw, or in the case of the same offence committed twice or more times within a one (1) year period, to double the penalty set out in Schedule "A".
- 16.6 The Town, in lieu of issuing the maximum fine for a specific offence under this Bylaw, may compel the Person to court, and the fine determined by the Provincial Court of Alberta.

**17. EXEMPTIONS**

- 17.1 The employees, servants and agents of the Town, while acting in the course of their employment or duty, are exempt from the provisions of this Bylaw.

**18. SEVERABILITY**

- 18.1 It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this 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 that the Bylaw remaining after such severance shall be effective and enforceable.

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

Bylaw 99-10 and all amendments thereto are hereby rescinded.

This Bylaw will take force and effect upon third and final reading and signing thereof.

**READ A FIRST TIME** this 20<sup>th</sup> day of April A.D. 2016.

**READ A SECOND TIME** this 4 day of May A.D. 2016.

**READ A THIRD AND FINAL TIME** this 4 day of May A.D. 2016.

*Original signed*  
MAYOR

*Original signed*  
CHIEF ADMINISTRATIVE OFFICER

May 4, 2016  
Date signed

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

**SCHEDULE A**

**OFFENCES SCHEDULE**

<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Fine</u></b>
	<b><u>Park Property</u></b>	
4.1	Damage/disturb Vegetation in a Park	\$300.00
4.2	Walk/cross/ride/traverse Vegetation where prohibited	\$300.00
4.3	Dig/build/construct in a Park without approval	\$300.00
4.4	Interfere with property in a Park	\$300.00
4.5	Plant Vegetation in a Park without approval	\$300.00
4.6	Build/erect a jump or ramp in a Park without approval	\$300.00
	<b><u>Dangerous Objects</u></b>	
5.1(i)	Launch a projectile in a Park	\$300.00
5.1(ii)	Operate a remote-operated airborne device in a Park	\$300.00
5.1(iii)	Propel a golf ball in a Park	\$300.00
	<b><u>Conduct</u></b>	
6.3	Urinating or defecating in a Park	\$300.00
6.4	Causing or participating in a Nuisance in a Park	\$300.00
6.5	Contravene signage in a Park	\$300.00
6.6	Cause injury or damage in a Park	\$300.00
	<b><u>Camping</u></b>	
7.1	Camping in a Park not designated as a campground	\$300.00
	<b><u>Business</u></b>	
8.1	Sell goods or services in a Park without approval	\$300.00
8.2	Place signs for advertising in a Park without approval	\$300.00
	<b><u>Fires</u></b>	
9.2	Start, permit to be started or maintain an unauthorized fire in a Park	\$300.00
9.3	Add inappropriate fuel to an authorized fire in a Park	\$300.00
9.4	Leave a fire unattended in a Park	\$300.00

**BYLAW 16-03  
TOWN OF BLACK DIAMOND**

	<u><b>Animals</b></u>	
10.1	Bring a Dog into a Park where prohibited by signage	\$300.00
10.2	Bring Livestock into a Park without approval	\$300.00
10.3	Tease, molest or injure any mammal, bird or amphibian in a Park	\$300.00
	<u><b>Vehicles</b></u>	
11.1	Drive, operate or park a Motor Vehicle or Motorcycle in a Park	\$300.00
11.2	Drive, operate or park an Off-Highway Vehicle in a Park	\$300.00
	<u><b>Park Hours and Closures</b></u>	
12.2	Enter into a Park that is closed	\$300.00
12.3	Leave a Motor Vehicle in a Park when closed	\$300.00