

**A BYLAW OF THE SUMMER VILLAGE OF POPLAR BAY
IN THE PROVINCE OF ALBERTA,
TO CONTROL THE USE OF MUNICIPAL PROPERTY
BYLAW NO. 244**

WHEREAS the Municipal Government Act R.S.A. 2000, c. M-26, as amended, including sections 7 and 8 thereof, and including any and all regulations passed thereunder ("MGA"), authorizes the Council of a municipality to pass bylaws pertaining to the protection of people, property and transportation systems, and

WHEREAS there are reserves, parks, roads and pathways which are within the corporate limits of the Summer Village of Poplar Bay (the "Summer Village"), under the ownership or direction, control and management of the Summer Village, and

WHEREAS the Summer Village is fortunate to have a rich resource in Municipal Reserve and Park areas which are largely undeveloped and contribute to the quality of natural habitat for birds and wildlife and enhance the natural setting of the Summer Village, and

WHEREAS for the purpose of this Bylaw, "Municipal Property" shall include all reserves, parks, roads, roadways, highways, lanes, alleys and pathways, located within the boundaries of the Summer Village, and

WHEREAS it is deemed desirable and expedient to provide for the control and use of Municipal Property, and

WHEREAS the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended ("TSA"), authorizes the Council of a municipality to pass bylaws related to the highways (as defined therein) under the municipality's direction, control and management, and their use and other matters related thereto, and

WHEREAS the MGA restricts the use of Municipal Reserve and Environmental Reserve, as set out therein, and

WHEREAS the Council of the Summer Village considers it desirable and expedient to enact this Bylaw,

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

SECTION 1 - NAME OF BYLAW

- 1.1 This Bylaw shall be known as "The Municipal Property Bylaw"

SECTION 2 – PURPOSE OF THIS BYLAW

- 2.1 The Summer Village of Poplar Bay wishes to preserve the integrity of Municipal Property for the future. The purpose of this Bylaw is to:
- a) Set forth the objectives of Municipal Property;

- b) Set forth restrictions on Municipal Property; and
- c) Outline certain actions which may be taken in cases of a contravention of this Bylaw.

SECTION 3 - DEFINITIONS

3.1 In this Bylaw, unless specifically provided to the contrary, the following terms shall have the following meanings:

- a) "Council" means the Council of the Summer Village of POPLAR BAY.
- b) "Development" means development as defined by the MGA.
- c) "Encroachment" means anything constructed, erected or intruding on, over or under Municipal Property, including anything attached to something having a fixed location that extends on, over or under Municipal Property.
- d) "Highway" means a highway as defined in the TSA and excludes pathways defined in h) below. In this Bylaw the term "road" is synonymous with the term "highway".
- e) "Municipal Reserve" means municipal reserve as defined by the MGA.
- f) "Off-highway vehicle" means an off-highway vehicle as defined in the TSA. Without restricting the generality of the foregoing, "off-highway vehicle" shall include motorized vehicles commonly referred to as ATVs, quads, trikes, skidoos and snowmobiles.
- g) "Operator" means a person who operates or is in actual physical control of any vehicle.
- h) "Pathway" means any paved, graveled or natural walkway within the Summer Village that is used by pedestrians, people using bicycles, or people using mobility aids, such as wheelchairs.
- i) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer, or a Bylaw Enforcement Officer.
- j) "Person" means any person, individual, public body, society, firm, partnership, corporation or legal entity.
- k) "Recreational Vehicle" means a mobile unit that is designed to be used as temporary living or sleeping accommodations, whether or not it has been modified to be no longer capable of being mobile, and includes, but is not limited to, holiday trailers, tent trailers, truck campers, camper vans, and motor homes.
- l) "Reserve" means any area designated as a reserve within the Summer Village including environmental reserve, municipal reserve, community reserve, public reserve, or a park, which title is registered in the name of the Summer Village.

- m) "Structure" means a structure as defined by Part 9 of the MGA, and includes buildings, sheds, fences, fire pits, tree houses, swings, stairways and similar developments.
- n) "Trailer" means a vehicle so designated that it may be attached to or drawn by a motor vehicle as defined under the TSA.
- o) "Vehicle" means a motor vehicle as defined in the TSA.
- p) "Violation Tag" means a tag or similar document issued by the Summer Village for the purpose of notifying a person that an offence has been committed for which a fine or prosecution may be issued.

SECTION 4 – RESERVE OBJECTIVES AND USES

- 4.1 The objectives of the Municipal Reserves are as follows:
 - a) To preserve the environment of the Summer Village;
 - b) To provide parkland for day-use for the public at large;
 - c) To provide public access to the lake; and/or
 - d) To provide limited areas for recreational and cultural development under the direction of Council.
- 4.2 In accordance with the MGA, Municipal Reserves may only be used for the following purposes:
 - a) Public Park;
 - b) Public Recreation Area;
 - c) School Purposes;
 - d) To separate areas of land that are used for different purposes.
- 4.3 No Development shall be allowed on, over or under Reserves.
- 4.4 No person shall construct, install, erect or maintain any Development on Reserve without the express written approval of Council. Without restricting the generality of the foregoing, no Development in the nature of playgrounds, recreational facilities for volleyball, basketball, horseshoes or other recreational pursuits, structures, buildings, paths, stairs, pathways, stairways, barbeques or other outdoor cooking facilities, shall be allowed without the express written approval of Council. Notwithstanding this provision however, nothing contained herein shall imply that Council has the authority to approve a use not contemplated by the MGA.
- 4.5 Pathways shall be as close to the center of a Reserve as is practical and be 'S' shaped.

Large trees shall be removed to create a path 3 meters wide (10 feet). Brush will be left

except in center portion.

The center portion of the pathway shall be approximately 1.4 meters wide (4 feet) and surfaced with materials used as approved by the Summer Village.

- 4.6 Storage/Park Space - Spaces for use as a summer park and storage may be created; the total area not to exceed 15% of the total Reserve area.
Storage of pier sections and/or boat hoists that have been clearly identified with accurate Summer Village of Poplar Bay lot numbers are allowed provided that access to pathways is not obstructed and all items are removed by June 30 of each year.
The use of common piers between neighbours is encouraged.

Storage of pier sections and hoists without identification will result in their removal or disposal at the owner's expense.

Storage of any other equipment or materials such as boats, canoes, floats, boat trailers, etc. will result in their removal or disposal at the owner's expense.

SECTION 5 – MUNICIPAL PROPERTY RESTRICTIONS

- 5.1 On Municipal Property, no person or persons shall:
- a) Camp overnight;
 - b) Light, cause to be lit, or maintain a fire;
 - c) Litter or leave any garbage or refuse of any kind (including animal droppings, grass clippings, pruning, etc.) unless in an approved receptacle;
 - d) Interfere with wildlife;
 - e) Behave in a noisy, abusive or threatening manner towards others;
 - f) Be in possession of alcohol, a firearm or a weapon;
 - g) Construct, erect, install, monitor or develop a structure of any kind;
 - h) Launch motor boats unless from a boat launch or designated area approved by the Council;
 - i) Use a vehicle (including an Off-Highway Vehicle) except for specific authorized tasks approved by Council;
 - j) Cut or remove vegetation without approval from Council;
 - k) Construct, install or develop an Encroachment.
- 5.2 No Vehicles, Off-Highway Vehicles or Trailers are allowed in any Reserve 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 park or Reserve for the construction, repair or maintenance of any authorized 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) Movement of pier sections and/or boat hoists as outlined in section 4.6

Operators of all Vehicles and Off-Highway Vehicles shall be responsible for all damage incurred by operation of their Vehicles in or on any Reserve;

Off-highway Vehicles shall be fitted with a forestry approved spark arrester and noise limiter that meets the original equipment manufacturer ("OEM") noise reduction specifications.

- 5.3 During winter conditions, all off-highway vehicles are restricted to using only water-front Reserves and Pathways for the sole purpose of gaining access to and from the lake ice and only with conditions of suitable snow cover to prevent environmental damage. Operators of such vehicles shall avoid climbing embankments and hills or other sections of Reserves and Pathways that would be sensitive to damage and must refrain from using areas showing previous damage.
- 5.4 Off-highway vehicles are required to give the right-of-way to other vehicles and pedestrians using the Reserves or Pathways.
- 5.5 The hours of use of Reserves shall be from 8 AM to 10 PM of each and every day of the week. No person shall utilize Reserves, for any purpose, at any other time.
- 5.6 Any Encroachments discovered in the process of construction on Municipal Property shall be removed within 30 days of written notification having been made via registered mail to the property owners, and the site of the Encroachment shall be restored to its original/natural state to the satisfaction of the Summer Village.
- 5.7 Encroachments not removed within the 30 day time frame as stated in clause 5.6 above, will be removed by the Summer Village of POPLAR BAY. The penalty and cost of removal of the encroachment will be applied to the property owner, as specified in Schedule A of this Bylaw.
- 5.8 The Summer Village Council has the authority to approve an encroachment agreement for an existing encroachment as per the surveys completed by Baseline Geomatics Inc. prior to December 31, 2015 if a completed application is deemed acceptable.
- 5.9 In keeping with the Control and use of Municipal Property, the Summer Village Council will not enter into any new encroachment agreements other than those identified in 5.8 as of January 1, 2016.

SECTION 6 – LIABILITIES

- 6.1 The Summer Village of Poplar Bay assumes no liability for the use of Municipal Property.

SECTION 7 – SEVERABILITY

- 7.1 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 the Bylaw remaining after such severance shall be effective and enforceable if the section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 8 –PENALTY PROVISIONS

- 8.1 Any person who contravenes any provision of this Bylaw shall be guilty of an offence and liable upon conviction to the penalty set out in Schedule 'A' attached hereto, as well as any cost of restoration of the Municipal Property, or where there is no penalty identified in Schedule "A", a minimum fine of \$250.00.
- 8.2 A peace officer is hereby authorized and empowered to issue a Violation Tag to any person, who the peace officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 8.3 A Violation Tag may be issued to such person:
- a) Personally;
 - b) By mailing a copy to such person at his last known post office address;
 - c) By leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age; and
 - d) Attached or left upon the vehicle in respect to which the offence is alleged to have been committed.
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a peace officer.
- 8.5 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 Summer Village the penalty specified on the Violation Tag.
- 8.6 Nothing in this Bylaw shall prevent a peace officer from immediately issuing a violation tag.
- 8.7 In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a peace officer is hereby authorized to issue a violation ticket pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 ("POPA"), and any amendments thereto, to any person who the peace officer has reasonable grounds to believe has contravened any provision of this Bylaw.

- 8.8 Notwithstanding any provision of this Bylaw, a peace officer is hereby authorized and empowered to immediately issue a Violation Tag pursuant to Part II of POPA, to any person who the peace officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 8.9 Any person to whom a Violation Tag has been issued may make a voluntary payment in respect of the Violation Tag by delivering the violation ticket along with an amount equal to that fine specified for the offence as set out in this Bylaw, to the Provincial Court office specified on the violation ticket.
- 8.10 Nothing contained herein shall limit or restrict the legal remedies available to the Summer Village.
- 8.11 Penalties set out in Schedule "A" may be amended from time to time by a resolution of Council.

SECTION 9 – REPEAL


- 9.1 Upon passing this Bylaw, Bylaw #233 shall be repealed.

SECTION 10 – EFFECTIVE DATE

READ a first time this 11th day of December, 2015.

READ a second time this 12th day of January, 2016.

READ a third time and finally passed this 9th day of December, 2016.



Debra McDaniel, Mayor
Summer Village of Poplar Bay



Sylvia Roy, Chief Administrative Officer
Summer Village of Poplar Bay

Bylaw #233, Schedule "A"

Penalties

Section	Offence	Specified Fine
4.4	Development on Municipal Property	\$ 100.00 (Changed from \$500)
5.1	a) Camping	\$ 100.00
	b) Lighting or maintaining a fire	\$ 100.00
	c) Littering	\$ 100.00
	d) Interfering with wildlife	\$ 100.00
	e) Noisy, abusive or threatening behaviour	\$ 100.00
	f) Possession of alcohol, firearms or weapons	\$ 100.00
	g) Development of structures	\$ 500.00 plus costs (dismantling and removal costs to be paid by the person or ratepayer)
	h) Launching motor boats	\$ 100.00
	i) Unauthorized use of Vehicles	\$ 100.00
	j) Cutting or removal of vegetation	\$ 100.00
	k) Failure to Remove Encroachment	\$ 500.00 plus costs (dismantling and removal costs to be paid by the person or landowner)
	l) Failure to restore Municipal Property to the satisfaction of the Summer Village	\$ 500.00 plus costs
5.4	Failure to yield right of way	\$ 100.00
5.5	Use of Reserves during prohibited hours	\$ 100.00