

BY-LAW NO. 1546

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

Being a By-Law of the Town of Fort Macleod to regulate the River Valley Wilderness Park.

WHEREAS, the Municipal Government Act, being chapter M26.1 R.S.A. 1995, as amended, provides a Council may pass by-laws for the control and operation of parks and related structures;

AND WHEREAS, Council feels it is desirable to provide controls and regulations for the protection of the River Valley Wilderness Park;

NOW THEREFORE, the Council of the Town enacts as follows:

SHORT TITLE

- 1) This By-Law may be cited as the "River Valley Park By-Law".

DEFINITIONS

- 2) In This By-Law:
 - a) "Council" means, the Council of the Town.
 - b) "Wilderness Park Committee" means, a committee appointed by Council to make recommendations on the development, operations and regulations of and for the park.
 - c) "Facility" means, any man made structure in the park including but not limited to fences, signs, trails, roads, benches, buildings, utility structures, playground apparatus, etc..
 - d) "Manager" means, the Municipal Manager of the Town as appointed by Council.
 - e) "Off Highway Vehicle" has the same meaning as defined in the Off Highway Vehicle Act.
 - f) "Park" when used as a noun means the River Valley Wilderness Park and all facilities therein as identified on Appendix "A" attached to and forming part of this By-Law.
 - g) "Park" when used as a verb has the same meaning as defined by the Highway Traffic Act.
 - h) "Roadway" has the same meaning as defined by the Highway Traffic Act.
 - i) "Town" means, the Corporation of the Town of Fort Macleod.
 - j) "Vehicle" has the same meaning as defined in the Highway Traffic Act.
 - k) "Enforcement Officer/Peace Officer" means, any By-Law Enforcement Officer, Special Constable or member of the RCM Police Service.

MANAGEMENT OF THE PARK

- 3) a) Council may establish a Committee to provide community input for the management and operations of the Park.
- b) For management purposes, the park is divided into the following four areas:
- Area 1:** North East of River & Hwy 811
Area 2: North West of River & Hwy 811
Area 3: South Side Of River
Area 4: West of Area 2, Natural Area
- as identified on Appendix "A" of this By-Law.
- c) Area 4 is designated as a Natural Area. Accordingly, no development of any kind is to be undertaken in this area, including trails, paths, etc..

HOURS

- 4) a) The Manager may close the park or portions of the park for such hours as he may deem appropriate where in his opinion it is necessary due to flooding, vandalism, maintenance activities, etc.

FENCES

- 5) a) No person shall damage or cause to be damaged any fence in the park.
- b) No person shall open or close any gate in any fence unless so authorized by the Manager.

SIGNS

- 6) a) The Manager is authorized to place signage in the park as is deemed appropriate.
- b) No person shall disobey a directive sign placed in the park.
- c) No person shall damage or cause to be damaged any sign in the park.

DAMAGE

- 7) No person shall damage, destroy or remove:
- a) A structure, fixture, sign or other facility in the park;
- b) Vegetation, soil, sand, gravel, wood or any other material located in the park.

WASTE DEPOSIT

- 8) a) No person shall deposit any waste of any nature or kind in the park except in the waste receptacles provided.
- b) Depositing household waste in the waste receptacles is prohibited.

PARK USE

- 9) No person shall engage in an activity in the park which may:
- a) Injure any other person using the park;
- b) Damage the park;
- c) Be incompatible with other common uses in the park.

PARK USE (cont'd.)

- 10) No person shall, in the park, engage in:
- a) Archery;
 - b) The discharge of firearms;
 - c) The use of a slingshot;
 - d) The shooting of a projectile of any nature.

CAMPING

- 11) No person shall camp or erect a shelter of any kind in the park.

VEHICLES

- 12) a) No person shall operate a vehicle in the park, except on a roadway provided for such use.
- b) No person shall park a vehicle in the park except in an area designated for such use.
- c) No person shall operate an off highway vehicle in the park.
- d) No person shall operate a horse drawn vehicle in the park except on a roadway provided for such use.
- e) Council will designate and sign two river crossing points for horses and horse drawn vehicles. Crossing at points other than where designated is prohibited.
- f) No person shall operate a vehicle in the park in excess of 30 kilometers per hour as posted or at such lesser speed as otherwise posted.
- g) The Manager may authorize an employee or agent of the Town to operate a vehicle or off highway vehicle in the park as is necessary to carry out maintenance functions.

FIRES

- 13) No person shall start or maintain a fire in the park.

ANIMALS

- 14) a) No person shall permit an animal owned or controlled by him to be in the park unsupervised.
- b) Horses are allowed only in those areas of the park indicated on appendix "B" of this By-Law, "Equestrian Use Areas".
- c) Horses shall not be allowed on upgraded trails anywhere within Park boundaries except at designated crossing points.
- d) For maintenance purposes only, the Manager may authorize the maintenance person to "ride fence".

SALE OF GOODS AND SERVICES AND ADVERTISING

- 15) a) No person shall make available for sale goods or services in the park unless authorized to do so by the Manager.
- b) No person shall advertise or publicize within the park.
- c) Use of the Park for commercial equestrian purposes (trail rides, horse drawn vehicles, etc.) must be covered by an agreement with the Town.

- 16) a) A person who contravenes a provision of this By-Law is guilty of an offense and upon summary conviction is liable to a fine not exceeding two thousand five hundred (\$2,500.00) dollars exclusive of costs and, in default, distress.
- b) (1) Where a By-Law Enforcement officer or a Peace Officer believes that a person has contravened this By-Law, he may serve upon such person a voluntary payment tag in a form designated by the Town allowing payment of the penalty of twenty five (\$25.00) dollars to the Town and such payment shall be accepted by the Town in lieu of prosecution for the offense.
- (2) If the person upon whom a voluntary payment tag is served fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
- (3) Nothing in this section shall:
 - i) Prevent any person from exercising his right to defend any charge of committing a breach of this By-Law;
 - ii) Prevent any By-Law Enforcement Officer or Peace Officer from laying an information or complaint in lieu of serving a voluntary payment tag; or,
 - iii) Prevent any person from exercising any legal rights such person may have to lay an information or complaint against any person (whether such person has made payment under the provisions of this By-Law, or not) for a breach of this By-Law.
- (4) Where any person has made payment pursuant to the provisions of this section and is subsequently prosecuted at the insistence of some person other than the Town for the offense in respect of which such payment has been made, such payment shall be refunded.

17) This By-Law comes into force on the date of third and final reading thereof.

READ A FIRST TIME THIS 24TH DAY OF OCTOBER 1994 A.D.

MAYOR

MUNICIPAL MANAGER

READ A SECOND TIME THIS 10TH DAY OF OCTOBER 1995 A.D.

MAYOR

MUNICIPAL MANAGER

READ A THIRD TIME AND FINALLY DECLARED PASSED BY COUNCIL THIS 10TH DAY OF OCTOBER 1995 A.D.

MAYOR

MUNICIPAL MANAGER