

Proposed Text for a new Parks and Pathways Bylaw

SHORT TITLE:

1. This Bylaw may be cited as the "Parks and Pathways Bylaw".

DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:
 - (a) "*amenity*" means anything constructed or placed in a *park* for the enjoyment or convenience of users of the *park*, whether temporary or permanent, excluding *park vegetation*, and including any sign, building, wall, bench, table, railing, stairs, wading pool, fire pit, barbeque stands, swing set, compost bin, *waste* receptacle, planter, underground sprinkler, irrigation system, fence, bridge, guardrail, headstone, memorial marker, vase or other similar thing;
 - (b) "*bicycle*" means a bicycle or power bicycle, as those terms are defined in the *Use of Highway and Rules of the Road Regulation*, AR 304/2002;
 - (c) "*City*" means The City of Calgary, a municipal corporation in the Province of Alberta and includes the area contained within the boundaries of the municipality where the context requires;
 - (d) "*City Manager*" means the person appointed by the council of the *City* as its chief administrative officer or that person's designate;
 - (e) "*commercial activity*" means to make goods or services available for sale or for free, or to conduct advertising;
 - (f) "*Director, Calgary Parks*" means the *City Manager* or that person's designate;
 - (g) "*drone*" means an aircraft, other than a balloon, rocket or kite, that is operated by a pilot who is not on board, and includes an unmanned air vehicle and a remotely piloted aircraft as those terms are defined in the *Canadian Aviation Regulations* SOR/96-433;
 - (h) "*natural area*" is a *park* or portion of *park* space where the primary role is the protection of an undisturbed or relatively undisturbed area of land with characteristics of a natural or native plant community;
 - (i) "*officer*" means a bylaw enforcement officer appointed pursuant to Bylaw 60M86, a peace officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5, or a member of the Calgary Police Service;
 - (j) "*park*" means a public space controlled by the *City* and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement,

cultural heritage, education, appreciation of nature, and enjoyment and includes:

- (i) playgrounds;
- (ii) cemeteries;
- (iii) *natural areas*;
- (v) *sports fields*;
- (vi) *pathways*;
- (vii) *trails*; and
- (viii) *park roadways*;

but does not include golf courses;

- (k) "*park roadway*" means, a road, including parking lots for *vehicles*, in a *park* which is set aside specifically for use by *vehicles* and *bicycles*;
- (l) "*pathway*" means a multi-purpose thoroughfare controlled by the *City* and designated by the *Director, Calgary Parks* pursuant to subsection 4(c), that is set aside for use by pedestrians, cyclists and *persons* using wheeled conveyances, which is improved by asphalt, concrete, brick or any other surface, whether or not it is located in a *park*, and includes any bridge or structure with which it is contiguous;
- (m) "*permit*" means written permission granted by the *Director, Calgary Parks* for an activity not otherwise allowed under this Bylaw.
- (n) "*person*" means an individual or any business entity including a firm, partnership, association, corporation or society, but does not include the *City*, or the Calgary Police Service, or any of their employees who are acting within the course and scope of their employment;
- (o) "*remedial order*" means an order issued pursuant to section 545 of the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- (p) "*sports field*" means land within the *City* and controlled by the *City* which is set apart and used for the playing of a sport including baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields, disc golf and court sports;
- (q) "*trail*" means an established path within a *park*, used by pedestrians or cyclists, or both which is not improved by concrete, asphalt or brick and includes any bridge or structure with which it is contiguous;
- (r) "*park vegetation*" means any fungus, plant or part thereof which grows in a *park*;

- (s) "vehicle" means:
 - (i) a car, truck, boat, all-terrain vehicle, motorcycle, snowmobile or other device which is or may be propelled by a motor; and
 - (ii) a trailer, camper, non-power boat or other device which may be towed behind another vehicle; but
 - (iii) does not include a *bicycle, wheeled conveyance or drone*;
 - (t) "waste" means anything that is discarded;
 - (u) "*wheeled conveyance*" means any human powered or electric motorized vehicle, as designated by *Director, Calgary Parks* to be permitted on a *pathway*, but does not include any *vehicle* with an internal combustion engine.
- (2) Nothing in this Bylaw relieves a *person* from complying with any federal or provincial law, bylaw or any requirement of any lawful *permit*, order or licence.
 - (3) Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.
 - (4) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
 - (5) In this Bylaw, words in the singular include the plural and words in the plural include the singular.

SCOPE

- 3. The Bylaw applies to all *parks*.

AUTHORITY OF DIRECTOR

- 4. The *Director, Calgary Parks* is authorized to:
 - (a) issue any *permit* required under this Bylaw;
 - (b) impose conditions on, set fees for, modify, suspend or cancel any *permit* issued under this Bylaw;
 - (c) designate *pathways* on *City* lands;
 - (d) designate classes of *wheeled conveyances* that are allowed on *pathways*; and
 - (e) designate the content, use and placement of signs, other than traffic control devices, in *parks*.

Closures of Parks

5. (1) Despite any other section in this Bylaw, the *Director, Calgary Parks* may close or restrict the use of any *park* or portion of *park* for any of the following reasons:
- (a) to conduct *park* maintenance;
 - (b) to prevent damage to *City* property;
 - (c) to promote safety;
 - (d) to protect endangered or at-risk species;
 - (e) to preserve vegetation required for wildlife;
 - (f) to rehabilitate a *natural area*, or
 - (g) any other reason the *Director, Calgary Parks* deems necessary to ensure the intent of this Bylaw is carried out.
- (2) Where the *Director, Calgary Parks* has closed a *park* or portion of a *park*, a *person* must not enter or remain in the closed *park* or portion of the *park*.

USE OF PARKS

Public Access and Enjoyment

6. (1) *Parks* are open for public use from 5:00 a.m. until 11:00 p.m. daily unless otherwise posted.
- (2) A *person* must not enter or remain in a *park* from 11:00 p.m. to 5:00 a.m. without a *permit*.
- (3) Despite subsection (1),
- (a) all *pathways* are open 24 hours a day;
 - (b) the Inglewood Bird Sanctuary is open from sunrise to sunset; and
 - (c) the skatepark portion of Shaw Millennium Park is open 24 hours a day.

Safe and Courteous Behaviour

7. A *person* must not engage in any conduct or activity in a *park* which:
- (a) is likely to cause injury to any other user of a *park*;
 - (b) unreasonably disturbs the use or enjoyment of the *park* by any other user of a *park*;

- (c) modifies, damages or is likely to cause damage to a *park* including damage to:
 - (i) vegetation or wildlife habitat,
 - (ii) any *amenity* in a *park*,
other than regular wear and tear; or
- (d) is inconsistent with the purpose of a *park*.

Activities Allowed in Designated Areas Only

- 8. (1) A *person* must not engage in the following activities in a *park*, except in a designated area:
 - (a) riding downhill on a toboggan, sleigh, carpet or any other sliding device;
 - (b) disc golf;
 - (c) horseback riding;
 - (d) hockey;
 - (e) wading or swimming;
 - (f) skating; and
 - (g) operating remote controlled toys including remote controlled cars and boats;
- (2) The *Director, Calgary Parks* may designate areas in which the activities listed in subsection (1) are allowed.
- (3) Despite section 19 of the Community Standards Bylaw 5M2004, the *Director, Calgary Parks*, pursuant to subsection (2), may designate an area or structure in a *park* where a *person* may create or apply graffiti.

Activities Requiring Permits

- 9. (1) A *person* must not engage in the following activities in a *park*:
 - (a) setting-up temporary art installations;
 - (b) hosting an event with more than 50 persons;
 - (c) conducting a performance or performances before an audience cumulatively lasting 30 minutes or more within a 24 hour period;

- (d) using an amplification system where the amplified sound is audible to others;
 - (e) taking off or landing a hot air balloon;
 - (f) setting off fireworks;
 - (g) flame throwing;
 - (h) conducting off-leash dog events in areas other than off-leash areas;
 - (i) operating a petting zoo;
 - (j) riding horseback in a non-designated areas;
 - (k) posting temporary signs or banners;
 - (l) erecting any artificial wildlife habitat structures including bird houses, bat boxes or bird feeders;
 - (m) engaging in wildlife research;
 - (n) removing fossils or artifacts;
 - (o) golfing; or
 - (p) camping or erecting a tent or other structure.
- (2) Despite subsection (1), the *Director, Calgary Parks* may issue a *permit* to allow a *person* to engage in any of the activities listed in subsection (1) in a *park*.
- (3) Pursuant to subsection (2), the *Director, Calgary Parks* may only issue a *permit* for the activity listed in subsection 1(l) for the purpose of research.
- (4) Despite subsection (1)(o), putting with golf clubs is allowed in a *park*.

Reserved Areas

10. (1) The *Director, Calgary Parks* may issue a *permit* granting a *person* exclusive use of:
- (a) a *park* or *portion* of a *park*;
 - (b) a *sports field*; or
 - (c) a picnic area.
- (2) Where the *Director, Calgary Parks* has granted exclusive use of an area of *park* pursuant to subsection (1), a *person* must not interfere with the use and enjoyment of *persons* holding a valid and subsisting *permit* for the exclusive use

of a *park* or portion of a *park*, during the times and in the areas for which the *permit* is granted.

Drones

11. (1) A *person* must not operate a *drone* in a *park*.
- (2) Despite subsection (1), a *person* may operate a *drone* that:
- (a) weighs less than 250 grams; and
 - (b) complies with all provincial and federal legislation including all requirements under the *Canada Aeronautics Act*, R.S.C. 1985, c. A-2 and its subordinate regulations;
- in an area of a *park* designated by the *Director, Calgary Parks* for *drone* use.
- (3) Despite subsection (1), a *person* may operate a *drone* that:
- (a) weighs 250 grams or more; and
 - (b) complies with all provincial and federal legislation including all requirements under the *Canada Aeronautics Act*, R.S.C. 1985, c. A-2 and its subordinate regulations;
- in a *park* in accordance with a *permit* issued by the *Director, Calgary Parks*.

Rivers and Waterways

12. (1) A *person* must not enter a river, lake or pond, in or adjacent to a *park*, including by means of a watercraft, from a *park* unless it is at a site designated by the *Director, Calgary Parks*.
- (2) Despite subsection (1), the *Director, Calgary Parks* may issue a permit allowing a person to enter a river, lake or pond, in or adjacent to a *park* from a *park* other than at a designated site.
- (3) A *person* must not allow a dog or other domestic animal to enter a river, lake or pond in or adjacent to a *park* unless it is at a site designated by the *Director, Calgary Parks*.
- (4) Despite subsection (1), a *person* must not enter a river, lake or pond in or adjacent a *park* from a *park* during a high flow or boat advisory.
- (5) A *person* must not use a watercraft in a river, lake or pond in a *park* unless the watercraft has been cleaned, drained and dried beforehand.

Waste

13. (1) A *person* must not dispose of waste in a *park*, unless:
- (a) it is placed in a designated *waste* receptacle, or
 - (b) it is an offering that is integral to a cultural ceremony permitted by the *Director, Calgary Parks*.
- (2) A *person* must not dispose of grass clippings, leaves, Christmas trees, or any other organic material in a *park*.

Fires

14. A *person* must not make a fire in a *park* unless:
- (a) it is made with firewood in a fire pit or other fire receptacle that has been provided by the *City*; or
 - (b) it is with a portable propane fire pit or barbecue at a designated picnic site.

Off-leash areas

15. (1) A *person* must not allow a dog off-leash within a *park*.
- (2) Despite subsection (1) the *Director, Calgary Parks* may designate an off-leash area of a *park*.
- (3) Despite subsection (2), the *Director, Calgary Parks* must not designate any off-leash areas in Glenmore Park.

USE OF PATHWAYS

16. Unless the *Director, Calgary Parks* designates otherwise:
- (a) a *person* must not ride or operate a *vehicle* or device, other than a *bicycle* or *wheeled conveyance*, on a *pathway*; and
 - (b) a *person* must not ride or operate a *bicycle* or *wheeled conveyance* in a *park* other than on a *park roadway, pathway* or *trail*.
17. (1) A *person* must not exceed speeds of 20 kilometers per hour on a *pathway* unless otherwise posted.
- (2) Despite subsection (1), a *person* must not travel at a speed that is unreasonable due to weather, traffic or *pathway* conditions.
18. A *person* must not use any gas-powered *vehicle* in a *park*, including a motor bike or all-terrain *vehicle*, other than on a *park roadway*.
19. While using a *pathway*, a *person* must ensure that they:

- (a) exercise care and attention to avoid any collision with another user of the *pathway*;
 - (b) use of an audible signal when overtaking another user; and
 - (c) keep to the right-hand side of the *pathway*, except when overtaking.
20. (1) While using a *pathway* between sunset and sunrise, a *person* must ensure their *bicycle* or *wheeled conveyance* is equipped with a forward facing white light, and rear red reflector.
- (2) Despite subsection (1), a *person* may wear a forward facing white light and rear red reflector on their body if the equipment will not fit on *bicycle* or *wheeled conveyance*.
21. A *person* must not leave a *pathway* or *trail* while in the following *parks*:
- (a) the Inglewood Bird Sanctuary;
 - (b) Griffith Woods;
 - (c) the Weaselhead Park;
 - (d) the area of Nose Hill Park as designated by the *Director, Calgary Parks*; or
 - (e) any other *park* or portion of *park* as designated by the *Director, Calgary Parks*.

Pathway Closures

22. (1) A *person* must not close or obstruct a *pathway* or portion of *pathway* without a *permit*.
- (2) A *person* must not conduct maintenance or construction activities within 5 meters of a *pathway* without a *permit*, unless the *Director, Calgary Parks* determines otherwise.
- (3) A *permit* required in subsections (1) or (2) may be issued for the following:
- (i) to access, install or maintain underground utilities;
 - (ii) to complete road or other construction work that would impact the use of the *pathway*; or
 - (iii) for an activity or event in a *park*.
- (4) For the purposes of this section, “*person*” includes the *City* or any of its employees who are acting within the course and scope of their employment.

PROTECTION OF NATURAL AREAS, ECOSYSTEMS AND HABITATS

Wildlife

23. A *person* must not engage in any activity in a *park* that causes distress or harm to any wildlife or that interrupts natural behaviours, including:
- (a) feeding wildlife;
 - (b) disrupting nesting sites;
 - (c) introducing or tracking noxious materials into wildlife habitat including weeds, seeds, herbicides, pesticides and litter; or
 - (d) creating excessive light near a wildlife habitat;

Vegetation

24. (1) A *person* must not engage in any activity in a *park* that disturbs or damages *park vegetation*.
- (2) A *person* must not remove any *park vegetation*, including weeds, without a *permit*.
- (3) A *person* must not plant any vegetation in a *park* without a *permit*.
- (4) A *person* must not cut, irrigate, spray or apply any substance, including pesticides and fertilizers, to any grass or other *park vegetation*.

MAINTENANCE OF PARK SPACE ADJACENT TO PRIVATE PROPERTY

25. Despite subsection 24(4), the occupant of a property that is directly adjacent to a *park* is authorized to cut the grass in the *park* within 1 meter of the *park boundary* directly adjacent their property but this does not include the trimming or removal of trees, bushes or any other vegetative matter.
26. A *person* must not drain or redirect any water from a private parcel of land onto or into a *park*.

ENCROACHMENT

27. A *person* must not encroach onto a *park* without express permission from the *Director, Calgary Parks*.

CEMETERIES

28. The *Director, Calgary Parks* may establish operating procedures regarding the use, maintenance and operation of cemeteries.

VEHICLES

29. (1) A person must not:
- (a) operate a *vehicle* in a *park* except on a *park* roadway;
 - (b) park a *vehicle* in a *park* except in areas set aside for *vehicle* parking;
 - (c) leave a *vehicle* in a *park* between 11:00 o'clock in the evening and 5:00 o'clock the next morning;
 - (d) drive a *vehicle* in a *park* at a speed greater than 20 kilometers per hour, unless a higher or lower speed limit is posted; or
 - (e) disobey a flagger, *City* employee or *officer* who is directing traffic within a *park*.
- (2) Despite subsection (1)(a), (b) and (c), the *Director, Calgary Parks* may issue a *permit* allowing a *person* to operate, park or leave a *vehicle* anywhere in a *park* at any time.

COMMERCIAL ACTIVITIES IN PARKS

30. (1) A person must not engage in a *commercial activity* in a *park* without permission from the *Director, Calgary Parks*.
- (2) The *Director, Calgary Parks* by *permit*, lease or agreement, may authorize a *commercial activity*, where that activity enhances the existing purpose of the *park*, by:
- (a) increasing *park* use intensity where sustainable;
 - (b) providing user convenience;
 - (c) encouraging active living;
 - (d) supporting arts, culture and tourist activities; or
 - (e) improving the efficiency of park operations.
- (3) For the purposes of subsection (2), *commercial activity* includes:
- (a) food service activities;
 - (b) festivals or events;
 - (c) entertainment or busking, or
 - (d) a vendor which provides programs, lessons, equipment rentals or *park* related activities.
- (4) The *Director, Calgary Parks* may refuse any request to engage in a *commercial activity* in a *park*, where:

- (a) the *commercial activity* could negatively impact users or the natural environment of a *park*; or
- (b) the *commercial activity* would be inconsistent with the purpose of a *park*.

OPERATION AND MAINTENANCE OF CALGARY PARKS

31. Despite any other provision in this Bylaw, an employee, agent, or contractor of the *City* in carrying out their duties in a *park* may:
- (a) make open fires for the purposes of a controlled burn;
 - (b) operate a motorized *vehicle* in any portion of a *park*;
 - (c) conduct alternative pest management, including the use of livestock to carry out *targeted grazing* as defined in the *Land Use Bylaw 1P2007*; or
 - (d) plant, harvest or damage vegetation.

PERMIT HOLDER REQUIREMENTS

32. Any *person* issued a *permit* under this Bylaw must:
- (a) have the *permit* available for review and inspection when exercising the rights granted under the *permit*;
 - (b) comply with all conditions stated therein; and
 - (c) produce the *permit* upon the demand of an *officer*.

OFFENCES

33. Any *person* who contravenes any provision of this Bylaw by doing any act or thing which the *person* is prohibited from doing, or by failing to do any act or thing the *person* is required to do, is guilty of an offence pursuant to this Bylaw.

ENFORCEMENT

34. (1) Where an *officer* believes that a *person* has contravened any provision of this Bylaw, the *officer* may commence proceedings against the *person* by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- (2) This section shall not prevent an *officer* from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedures Act* or from laying an information instead of issuing a violation ticket.

PENALTY

35. (1) Where there is a specified penalty listed for an offence in Schedule A to this

Bylaw, that amount is the specified penalty for the offence.

- (2) Where there is a minimum penalty listed for an offence in Schedule A to this Bylaw, that amount is the minimum penalty for the offence.

REMEDYING CONTRAVENTIONS

36. (1) Where a *person* has contravened any provision of this Bylaw, a *remedial order* may be issued requiring the *person* to remedy the contravention.
- (2) A *remedial order* issued pursuant to subsection (1) is subject to the provisions of Part 2 of the Community Standards Bylaw 5M2004.
- (3) A *person* who fails to comply with a *remedial order* within the time set out in the *remedial order* commits an offence.

CONSEQUENTIAL AMENDMENTS

37. Bylaw 23M2006, the *Responsible Pet Ownership Bylaw*, as amended, is hereby further amended by, in subsection 15(5), deleting the words “subsection 48(1)(i)(iii) of Bylaw 20M2003, the Parks and Pathways Bylaw” and replacing them with “subsection 15(2) of Bylaw XXM2019, the Parks and Pathways Bylaw”.

REPEAL

38. Bylaw 20M2003, the Parks and Pathways Bylaw, is hereby repealed.

COMING INTO FORCE

39. This Bylaw comes into force on the day it is passed.

SCHEDULE A
MINIMUM AND SPECIFIED PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Minimum Penalty</u>	<u>Specified Penalty</u>
5(2)	Enter or remain in <i>park</i> when closed by <i>Director, Calgary Parks</i>	\$300	\$500
6(2)	Enter or remain in <i>park</i> outside permitted hours	\$150	\$200
7	Unlawful activity in a <i>park</i>	\$250	\$400
8(1)	Prohibited activity outside designated area	\$150	\$250
9(1)	Prohibited activity without permit	\$150	\$250
10(2)	Interfere with use of reserved space	\$150	\$250
11(1)	Operate <i>drone</i> in <i>park</i>	\$150	\$250
12(1)	Enter river, lake or pond from a <i>park</i>	\$200	\$300
12(4)	Permit domestic animal to enter river, lake or pond from a <i>park</i>	\$50	\$100
12(3)	Enter river, lake or pond from a <i>park</i> during a high flow or boat advisory	\$300	\$500
12(5)	Fail to clean, drain and dry watercraft	\$150	\$250
13	Unlawful disposal of waste in a <i>park</i>	\$250	\$500
14	Unlawful fire in a <i>park</i>	\$300	\$500
15	Allow dog off-leash in a <i>park</i>	\$50	\$100
16(a)	Unauthorized <i>vehicle</i> or device on a <i>pathway</i>	\$150	\$250
16(b)	Ride or operate <i>bicycle</i> or <i>wheeled conveyance</i> where prohibited	\$150	\$250
17(1)	Speed in excess of limit on a <i>pathway</i> <ul style="list-style-type: none"> • up to 10 km/h over limit • more than 10 km/h over limit 	\$100 \$250	\$150 \$400

17(2)	Unsafe speed on a <i>pathway</i>	\$250	\$400
18	Use gas-powered vehicle in a <i>park</i> off a <i>park roadway</i>	\$300	\$500
19	Unsafe activity on a <i>pathway</i>	\$200	\$400
20	Use <i>pathway</i> without required lighting	\$150	\$250
21	Leave a <i>pathway</i> or <i>trail</i> where prohibited	\$200	\$300
22(1)	Close or obstruct a pathway without authorization	\$400	\$500
22(2)	Conduct unauthorized maintenance or construction activity	\$400	\$500
23	Disturb wildlife in a <i>park</i>	\$200	\$300
24(1)	Disturb or damage <i>park vegetation</i>	\$200	\$300
24(2)	Remove <i>park vegetation</i>	\$150	\$250
24(3)	Plant vegetation in a <i>park</i>	\$200	\$300
24(4)	Cut, irrigate or spray <i>park vegetation</i>	\$200	\$300
26	Drain water into <i>park</i>	\$500	\$1500
27	Encroach on a <i>park</i>	\$750	\$1500
29(1)(a)	Unauthorized operation of a <i>vehicle</i> in a <i>park</i>	\$250	\$350
29(1)(b)	Unauthorized parking of a <i>vehicle</i> in a <i>park</i>	\$150	\$200
29(1)(c)	Leave <i>vehicle</i> overnight in a <i>park</i>	\$150	\$200
29(1)(d)	<i>Vehicle</i> speed above posted limit	\$150	\$400
29(1)(e)	Disobey flagger, City employee or <i>officer</i>	\$300	\$500
30(1)	Engage in <i>commercial activity</i> in a <i>park</i> without a <i>permit</i>	\$300	\$500
32(2)	Fail to comply with <i>permit</i> conditions	\$250	\$350

32(3)	Fail to produce <i>permit</i> upon demand	\$100	\$150
36(3)	Fail to comply with <i>remedial order</i>	\$300	\$500