

MAR 18 2019

ITEM:

Distribution B.2
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CITY CLERK'S DEPARTMENT

CPS2019-0222
ATTACHMENT 3

BYLAW COMPARISON

To better reflect plain language, as well as the numerous changes, the proposed Bylaw has been rewritten, rather than modified. Therefore a black line copy of the current Bylaw indicating changes is not possible. Instead, the current Parks and Pathways Bylaw is below and includes text inserted in grey under or beside each section, which indicate changes that were made in the proposed Bylaw.

BYLAW NUMBER 20M2003

BEING A BYLAW OF THE CITY OF CALGARY TO REGULATE THE USE OF PARKS AND PATHWAYS AND TO REGULATE ACTIVITIES IN AND ON PARKS AND PATHWAYS

(Amended by Bylaws 40M2004, 42M2004, 34M2005, 23M2006, 39M2008, 52M2011)

The section containing WHEREAS have been changed to add clarity and to reflect imagineParks which was approved by Council in 2015.

WHEREAS The City of Calgary's Parks and Pathways are valued and treasured assets, and protecting their value and quality is a high priority as is ensuring that they remain safe and accessible for the enjoyment of all Calgarians.

AND WHEREAS The City of Calgary is committed to:

- (a) maintaining the integrity of a high-quality and diverse Park and Pathway system;
and
- (b) providing a safe, aesthetic and comfortable environment by:
 - (i) protecting our Parks and Natural Areas;
 - (ii) providing environmental stewardship, programs and services; and
 - (iii) prohibiting activities that damage City assets and jeopardize public safety.

AND WHEREAS the Municipal Government Act, R.S.A. 2000 C. M-26 empowers Council for The City of Calgary to pass bylaws;

NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

SHORT TITLE

Definitions start in Section 2 in the proposed Bylaw and have been updated to reflect the proposed Bylaw.

Definitions of words that have standard common dictionary definitions have been removed as per new standards for the bylaws. New definitions have been added. These are indicated in grey below.

Finally format has changed slightly as definitions are no longer capitalized in bylaws.

1. This bylaw may be cited as the "Parks and Pathways Bylaw".
2. In this Bylaw, where capitalized:
 - (a) "*Amenity*" means anything constructed or placed in a 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 cycle propelled by human power on which a Person can ride regardless of the number of wheels it has~~ 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) "*Calgary Parks*" means the business unit of The City charged with the ~~responsibility of planning, protecting and caring for City Parks and Pathways~~;
 - (d) "*Camp*" means ~~to live or take up quarters in a Park~~;
 - (e) "*Cemetery*" means ~~land within The City that is managed and controlled by The City and is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried~~;
 - (f) "*Centre Line*" means ~~a longitudinal division of a Pathway whether or not the division is indicated on the surface of the Pathway~~;
 - (g) "*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;

"*City Manager*" means the person appointed by the council of the *City* as its chief administrative officer or that person's designate;
 - (h) "*Council*" means ~~the elected Mayor and Aldermen for The City of Calgary~~;

"*commercial activity*" means to make goods or services available for sale or for free, or to conduct advertising;
 - (i) "*Cyclist*" means ~~a Person who rides or is in actual physical control of a Bicycle~~;
 - (j) "*Director, Calgary Parks*" means the City Manager or his designate;

(B/L 42M2004, 2004 June 21)

"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;

- (k) ~~"Natural Area" means City controlled land or water or both which contains native plant or animal ecological or geographical systems including wetlands, escarpments, riparian corridors, grasslands, wood lands and other wildlife habitat~~ 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;
- (l) "Officer" means a Bylaw Enforcement Officer of The City or a member of the Calgary Police Service;
- (m) "Park" means a public space controlled by The City and set aside as a Park to be used for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:
 - (i) Playgrounds;
 - (ii) Cemeteries;
 - (iii) Natural Areas;
 - (iv) Sports Fields;
 - (v) Pathways;
 - (vi) Trails; and
 - (vii) Park Roadways;but does not include golf courses;
- (n) "Park Roadway" means, a road, including parking lots for Vehicles, in a Park which is set aside specifically for use by Vehicles and Bicycles;
- (o) "Pathway" means a multi-purpose thoroughfare controlled by The City and 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;
(B/L 52M2011, 2011 September 19)
- (p) "Permit" means the written permission of the Director to do something in or on a Park or Pathway;
- (q) "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;

- (r) ~~"Playground" means land within The City and controlled by The City upon which apparatus such as swings and slides are placed;~~
- ~~"remedial order" means an order issued pursuant to section 545 of the *Municipal Government Act*, R.S.A. 2000, c. M-26~~
- (s) ~~"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;~~
- (t) ~~"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;~~
- (u) ~~"Park Vegetation" means any fungus, plant or part thereof which grows in a Park;~~
- (v) ~~"Vehicle" means:~~
- (i) ~~cars, trucks, boats, all terrain vehicles, motorcycles, snowmobiles or other devices which are or may be propelled by a motor; and~~
 - (ii) ~~trailers, campers, non-power boats or other devices which may be towed behind other vehicles; but~~
 - (iii) ~~does not include Bicycles and Wheeled Conveyances;~~
- (w) ~~"Waste" means anything that is discarded;~~
- (x) ~~"Wheeled Conveyance" means roller-skates, in-line skates, roller skis, skateboards, scooters, motorized 3 or 4 wheeled scooters designed for Persons with infirmities, motorized wheelchairs, or other similar devices but excludes Bicycles, Vehicles or any other motorized scooters 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.~~

SCOPE

Scope starts in Section 3 in the proposed Bylaw and has been expanded to ensure all parks controlled by The City are included, including pathways on transportation corridors where The City has a lease

3. This Bylaw shall apply to all Parks ~~and Pathways in The City.~~

PARK USE

Hours

Park Hours are indicated in Section 6 in the proposed Bylaw. Hours have not been changed, but the section is updated to be more descriptive (for Shaw Millenium Park) and Inglewood Bird Sanctuary has been simplified to sunrise and sunset.

4. (1) All Parks shall be closed to the public between the hours of 11:00 o'clock in the evening and 5:00 o'clock the next morning, except:
 - (a) the Park known as the Inglewood Bird Sanctuary which shall be closed from one half (1/2) hour after sunset to one half (1/2) hour before sunrise;
 - (b) the Park known as Shaw Millennium Park which shall be open to the public twenty-four (24) hours a day; and
 - (c) where otherwise designated by the Director pursuant to this Bylaw.
- (2) (a) No Person shall enter or remain in a Park when it is closed to the public;
- (b) No Person shall enter or remain in an area of a Park which is closed to the public.

FIRES

Fires are covered in Section 14 in the proposed Bylaw. Changes reflect a desire for plain language and eliminating redundancy with other bylaws. Propane fire pits are now allowed.

5. No Person shall ignite or allow a fire to burn in a Park except in a fire pit or other receptacle intended for such use and provided by The City.
6. No Person in a Park shall burn:
 - (a) treated lumber;
 - (b) leaves or other dead fall from trees from within a Park;
 - (c) Park Vegetation, trees or parts thereof from within a Park, whether dead or alive;
 - (d) tires or rubber; or
 - (e) plastics or any other similar thing which may emit a noxious smell when burned.
7. (1) No Person, in a park, shall:
 - (a) allow a fire to get out of control;
 - (b) leave a fire unattended; or
 - (c) allow a fire to burn after 10:30 at night.
- (2) Every Person who has a fire in a Park must ensure that such fire is extinguished completely, leaving only cold ashes, prior to leaving the site of the fire.
8. No Person shall operate a gas or charcoal fired barbeque or stove on or in a Playground, Cemetery, Sports Field, Park Roadway, Pathway or area where such activities are restricted by the Director pursuant to this Bylaw.

CAMPING

Camping is included in Section 9(p) with other activities allowed by permit.

9. No Person shall, unless allowed by a Permit:
 - (a) Camp in a Park; or
 - (b) erect a tent or other structure in a Park.

VEHICLES

Vehicles are indicated in Sections 16, 18, and 29 and remains unchanged apart from minor word changes for plain language.

10. No Person shall operate a Vehicle in a Park except on a Park Roadway.
11. No Person shall park a Vehicle in a Park except in areas set aside for Vehicle parking.
12. No Person shall leave a Vehicle in a Park between 11:00 o'clock in the evening and 5:00 o'clock the next morning.
13. No Person shall drive a Vehicle in a Park at a speed greater than twenty (20) kilometers per hour, unless a higher or lower speed limit is posted.

WATER

River and Waterways is including in Section 12 of the proposed Bylaw. Changes have been made to provide clarity, and focus on entering the river via park land, versus actually being in the river (which is governed by the federal government). Additions have been made to address dogs entering water, restrictions in high flow events, and that watercraft must be cleaned before entering a body of water. There are less restrictions around swimming in water, such as affixing oneself to a structure or jumping from an amenity.

14. ~~No Person shall enter, wade, swim or skate in, or upon any body of water which flows through, is adjacent to or is located within a Park unless such activity is specifically allowed by the Director pursuant to this Bylaw.~~
15. ~~No Person shall:~~
 - (a) ~~jump, dive or otherwise propel themselves from or off any Amenity into any water course or pond which flows through, is adjacent to, or is located within a Park;~~
 - (b) ~~affix or secure themselves to any structure or Amenity for the purposes of water play.~~
16. ~~No Person shall launch a boat, canoe, kayak or similar craft from or within a Park except where specifically allowed by the Director.~~

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.

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.

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.

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.

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.

PROHIBITED ACTIVITIES

In the proposed Bylaw, the section on prohibited activities is contained within theme areas such as Safe and Courteous Behaviour, Protection of Natural Areas, etc. Sections in the proposed Bylaw which align with the current Bylaw are indicated in red below.

17. No Person shall: (These items are expanded in the section on Protection of Natural Areas, Ecosystems and Habitats, Sections 23 and 24)
 - (a) dig, disturb or remove any mineral substance including soil, sand, gravel or rock from a Park;
 - (b) damage, dig, cut, disturb or destroy any Park Vegetation, whether alive or dead;
 - (c) damage, dig, disturb, deface, destroy or remove any fossils, bones or historical artifacts from a Park;
 - (d) damage or destroy any wildlife habitat; or
 - (e) pester, feed or otherwise interfere with any animal in a Park.
18. No Person shall damage, deface, destroy, remove or use other than for its intended purpose any Pathway, Trail or Amenity in a Park. (Contained in Section 7 under Safe and Courteous Behaviour)
19. No Person shall perform or engage in any stunt, trick or reckless or unsafe activity on or in any Amenity, Pathway, Trail, Park Roadway or Park. (Removed as deemed overly restrictive, liability is covered under Safe and Courteous Behaviour in Section 7)
20. No Person shall engage in any conduct or activity in a Park which may: (Contained in Section 7 under Safe and Courteous Behaviour)

- (a) injure any other user of a Park;
- (b) disturb the use or enjoyment of the Park by any other user of a Park;
- (c) damage a Park or an Amenity in a Park; or
- (d) be inconsistent with the purpose of a Park.

21. No Person, while in a Park, shall: (Section 7 addresses Safe and Courteous Behaviour. Sections 8 and 9 outline activities only allowed in designated areas or by permit. Many Sections below have been removed as they have been deemed to be overly restrictive)

- (a) swing a golf club;
- (b) propel a golf ball or plastic golf ball of any kind in any manner;
- (c) engage in any form of archery;
- (d) play lawn darts, horseshoes or disc golf;
- (e) operate an amplification system;
- (f) do anything which is likely to attract a crowd;
- (g) take part in any procession, drill, performance, ceremony, concert or public gathering; or
- (h) ride downhill on a toboggan, sleigh, carpet or other sliding device;

except in an area where such activity is specifically allowed by the Director.

22. No Person shall play hockey, whether on skates or not, or bring hockey sticks or pucks onto any: (Section 8 simply states that hockey is allowed in designated areas)

- (a) tennis court controlled by The City;
- (b) Park Roadway; or
- (c) on any of the following skating rinks:
 - (i) Olympic Plaza;
 - (ii) Prairie Winds Park;
 - (iii) Bowness Park;
 - (iv) Marlborough Park; or
 - (v) Prince's Island Lagoon.

23. (1) No Person shall, in a Park:

- (a) plant, grow, place or modify any plant, flower or other Park Vegetation; (24)
 - (b) build, erect, place, remove or modify any Amenity, Pathway or Trail; (7)
 - (c) cut, irrigate, spray or apply any substance, including pesticides and fertilizers, to any grass or other Park Vegetation, or otherwise disturb or damage the Park Vegetation; (24)
 - (d) leave, place, store, deposit or hoard anything; or (7, 13)
 - (e) build, erect or create a jump or ramp. (7)
- (2) No Person shall drain or re-direct any water from a private parcel of land onto or into a Park. (26)
24. No Person shall set off, launch or operate, while in a Park:
- (a) any fireworks, explosive devices or rockets; (9 by permit only)
 - (b) any glider or hot air balloon; or (9 by permit only)
 - (c) any remote control device including boats, planes, helicopters or cars; except where such activity is specifically allowed by the Director. (Remote controlled toys are permitted in designated areas as per Section 8. Section 11 is new and allows for drones in designated areas and by permit).

SIGNS

25. (1) No Person shall disobey a sign placed in a Park.
- (2) No Person shall, other than where authorized pursuant to this Bylaw, place a sign of any kind, commercial or otherwise, in a Park. (Section 9, allowed by permit)
26. No Person shall disobey a flagger, City Employee or Officer who is directing traffic within a Park or on a Pathway or Trail. (Section 29)

WASTE

The section on waste is contained in Section 13 in the proposed Bylaw. Some Sections have been changed for clarity or have been eliminated to reduce redundancy. Offerings made as part of a cultural ceremony (eg leaving tobacco in an Indigenous Sundance Ceremony) is permitted.

27. (1) In a Park, no person shall leave or dispose of Waste except in receptacles specifically provided for Waste disposal.
- (2) In a Park, no person shall leave or dispose of Waste from a vehicle except in receptacles specifically provided for Waste disposal.

- (3) In a Park, no person shall leave or dispose of Waste that is burning.
(B/L 39M2008, 2008 September 08)

28. No Person shall urinate or defecate in a Park except in a public washroom or portable facility provided for that purpose.

SALE OF GOODS AND SERVICES

Commercial Activities are covered in Section 30, and provide more opportunity to allow commercial activities by permit. The Sections also align with the Real Estate and Development Bylaw.

29. No Person shall:
- (a) make available, offer or give away free goods or services;
 - (b) make available for sale goods or services;
 - (c) carry on any business of any kind or nature whatsoever or solicit for any business, trade or occupation;
 - (d) place a sign or device of any kind advertising or publicizing any commercial venture or facility; or
 - (e) place or leave any goods or merchandise in order to display the same for sale;
- anywhere in a Park, unless specifically allowed by the Director.

PATHWAYS AND TRAILS

Use of Pathways, Required Equipment, and Lighting is contained in Sections 16-22 in the proposed Bylaw, and most of it has been completely rewritten. Many Sections have been omitted as they no longer apply or are deemed to be overly restrictive. The proposed Bylaw allows for a wider range of electric recreation vehicles. Restrictions have been placed on pathway closures, requiring a permit. This will allow The City to properly identify detours in a timely manner.

30. (1) Unless otherwise authorized pursuant to this Bylaw, no Person in a Park shall use or ride:
- (a) a Bicycle except on a Pathway, Trail or Park Roadway; or
 - (b) any Wheeled Conveyance except on a Pathway or Trail.
- (2) It shall not be an offence to use or ride any Wheeled Conveyance to cross a Park Roadway where a Pathway or Trail crosses that Park Roadway.

31. (1) No Person shall ride a Bicycle or use a Wheeled Conveyance or Vehicle on a Park Roadway, Pathway or Trail which is closed, or where such use is prohibited.
- (2) Notwithstanding any other provision in this Bylaw, no Person shall leave a Pathway or Trail while in the following Parks:
- (a) the Inglewood Bird Sanctuary;
 - (b) Griffith Woods; or
 - (c) the Weaselhead; or
 - (d) the escarpment zone in Nose Hill comprising that area from the Nose Hill Park Boundary up to but not including the multi use Pathway or Trail.
(B/L 34M2005, 2005 July 25)
32. Unless otherwise posted no Person shall operate a Bicycle or Wheeled Conveyance in a Park at a speed greater than twenty (20) kilometers per hour.
33. No Person using a Pathway or Trail shall travel at a rate of speed that is unreasonable having regard to all the circumstances, including but not limited to:
- (a) the nature, condition and use of the Pathway or Trail;
 - (b) any conditions, including weather, that may affect visibility; and
 - (c) the volume and type of traffic on the Pathway or Trail
- regardless of whether that person is travelling at the applicable speed limit.

PATHWAY RULES

34. When entering onto a Pathway from other than a Park Roadway, Pathway or Trail, all Persons shall yield the right of way to users already on the Pathway.
35. When approaching an uncontrolled intersection between a Park Roadway, Pathway or Trail a Person using a Park Roadway, Pathway or Trail shall:
- (a) when on a Trail, yield the right of way to users on a Pathway or Park Roadway;
 - (b) when on a Pathway, yield the right of way to users on a Park Roadway;
 - (c) when on a Pathway, approaching an uncontrolled intersection with another Pathway, yield the right of way to the user on the right; and
 - (d) when on a Trail, approaching an uncontrolled intersection with another Trail, yield the right of way to the user on the right.
36. A Person using a Pathway or Trail shall:
- (a) exercise due care and attention to avoid colliding with any other user;
 - (b) exercise reasonable consideration for any other user;

- (c) give an audible signal by voice, bell or other signaling device before overtaking another user; and
 - (d) ensure they are visible to other users.
37. No Person using a Pathway shall travel left of the Centre Line of a Pathway except:
- a) when overtaking another Person travelling in the same direction;
 - b) when the Pathway to the right of the Centre Line is obstructed;
 - c) when the Pathway to the right of the Centre Line is closed to Pathway users; or
 - d) when turning left off the Pathway.
38. No Person using a Pathway shall pass or attempt to pass another Person travelling in the same direction when:
- (a) it is unsafe to do so;
 - (b) on a curve in the Pathway, when that Person's vision is obstructed;
 - (c) Pathway lanes are separated by double solid lines; or
 - (d) passing beneath a bridge or through a tunnel of any kind.
39. No Person overtaking another Person on a Pathway shall return to the right-side of the Centre Line of a Pathway until it is safe to do so.
40. No Person shall operate a Bicycle or Wheeled Conveyance on a Pathway, Trail or Park Roadway in a manner that is unsafe to that Person or other people in the Park.
41. No Person using a Pathway shall use poles or other hand held aids while wearing in-line skates, roller skis or similar conveyances.
42. No Person riding a Bicycle or Wheeled Conveyance on a Park Roadway, Pathway or Trail shall use the Bicycle or Wheeled Conveyance to carry more Persons than the number for which it is designed and equipped.
43. No Person operating or riding as a passenger on a Bicycle or Wheeled Conveyance on a Park Roadway, Pathway or Trail shall:
- (a) hold onto; or
 - (b) be attached to;
- any other Bicycle, Wheeled Conveyance or Vehicle unless that person is riding in a child or animal trailer designed for such use.

REQUIRED EQUIPMENT

44. A Bicycle operated on a Pathway, or Trail shall be equipped with:

- (a) at least one (1) working brake;
- (b) a horn, bell or other signaling device; and
- (c) if operated during the period beginning one half hour (1/2) after sunset and ending one half hour (1/2) before sunrise;
 - (i) at least one (1) functioning headlamp with a lens and bulb which are clear in colour;
 - (ii) at least one (1) functioning red tail lamp which is capable of emitting a flashing or steady mode; and
 - (iii) at least one (1) red reflector mounted at the rear.

LIGHTS REQUIRED BY PATHWAY USERS

45. No Person shall operate a Bicycle or In-line skates on a Pathway or Trail during the period commencing one half hour (1/2) after sunset and ending one half (1/2) hour before sunrise unless:
- (a) in the case of a Bicycle, the headlamp, tail-lamp and reflector required pursuant to Section 44 are activated; or
 - (b) in the case of a person operating in-line skates, a device or devices which emit either a clear or red light, in either a flashing or steady mode, is affixed to the person's body or clothing and is both activated and visible from both the front and the rear of the Person.

ADMINISTRATION

Authority of the Director is declared in Section 4 of the proposed Bylaw.

46. The Director may, in writing, delegate any or all of the powers conferred on the Director by this Bylaw to any Person or Persons the Director considers advisable.
47. The Director may, as the designated officer for and on behalf of The City authorize the formalization and execution of:
- (a) contracts for the operation of concessions in a Park, or in a building within a Park, selling anything or providing services deemed appropriate by the Director of Parks;
 - (b) contracts engaging the services of a Person or Persons who provide services which enhance or augment programs or services offered by Calgary Parks;
 - (c) contracts for the rental of equipment by Calgary Parks or to Calgary Parks;
 - (d) contracts for the display or exhibit of information to the public by Calgary Parks or in a Park;

- (e) contracts with volunteers providing services to Calgary Parks, including any necessary indemnifications;
- (f) contracts related to programs put on by Calgary Parks including leases and licences, and any necessary indemnifications;
- (g) contracts for the sponsorship of Calgary Parks programs, Parks or parts of Parks, or the sponsorship of programs, events or items such as maps and calendars which are undertaken by others; and
- (h) contracts for festivals or special events taking place in Parks.

GENERAL MANAGER POWERS

This section originally allowed the Director to allow exceptions to the Bylaw in order to allow for some activities. Instead permitted activities are now in an appropriate section of the proposed Bylaw such as section "Activities Permitted in Designated Areas" (Section 8), or "Activities Requiring Permits" (Section 9).

48. (1) The Director may as the Director deems necessary for the administration of Calgary's Parks, preservation and protection of Parks and Amenities, and to ensure public safety:
- (a) close or restrict the use, or type of use of a Park, Pathway, Trail, Playground, Cemetery or Sports Field, or a portion of a Park, Pathway, Trail, Playground, Cemetery or Sports Field; Section 5
 - (b) prohibit all kinds of fires otherwise permitted pursuant to this Bylaw;
 - (c) vary the time that a Park, Pathway, Trail, Playground, Cemetery or Sports Field, or a portion of a Park, Pathway, Trail, Playground, Cemetery or Sports Field, is open to the public; Section 5 and 6
 - (d) designate speed limits on Pathways and Trails; Section 17
 - (e) designate wading and swimming areas in water courses or ponds which flow through, are adjacent to or are located within a Park; Section 12
 - (f) designate boat launching areas within Parks; Section 12
 - (g) designate areas within Parks where tobogganing and sliding are allowed; Section 8
 - (h) designate areas within Parks where horse riding is allowed; Section 8

- (i) subject to subsection 48(1)(i)(ii), designate areas within Parks where dogs are permitted to run when off leash, where organized and controlled canine events may be held and where dogs are prohibited; Sections 9 and 15
 - (ii) not designate or allow to be designated any off leash areas within Glenmore Park; Section 15
 - (iii) notwithstanding subsection 15(4) of Bylaw 23M2006, the Responsible Pet Ownership Bylaw, designate specific off Leash areas or areas within off Leash areas in which the Owner of a dog is not required to secure such dog on a Leash while the dog is on a Pathway; Section 15
- (j) designate areas within Parks where busking or public speaking is allowed, including the use of amplification systems; Section 9
- (k) designate areas within Parks where kites, hot air balloons or gliders may be launched and where remote controlled Vehicles, planes, and boats may be operated; Section 8
- (l) designate areas within Parks where Bicycles and Wheeled Conveyances can be ridden off Park Roadways, Pathways or Trails. Section 16
- (m) designate the content, use and placement of signs other than traffic control devices in Parks; Section 9
- (n) establish the conditions and locations of the sale of goods and services in a Park; Section 30
- (o) establish rules and operating procedures regarding the use, maintenance and operation of Cemeteries; Section 28
- (p) set rates and fees for services and sales within Cemeteries, with the exception of: Section 28
 - (i) the sale of burial lots, mausoleum crypts or niches, and columbarium niches;
 - (ii) fees for interment and disinterment services;
 - (iii) mausoleum fees; and
 - (iv) the sale of concrete grave liners and burial vaults.
- (q) set rates for fees for Permits the Director is allowed to grant; Section 4
- (r) designate areas in Parks where dogs are allowed to swim or are not allowed to swim, where such activity is otherwise prohibited or allowed; Section 12
- (s) in cases where the playing of ice hockey is otherwise prohibited by this Bylaw, designate ice surfaces where ice hockey may be played; Section 8 and

- (t) designate areas within a Park or on a Pathway where activities otherwise prohibited by this Bylaw are allowed. Section 8
- (2) The exercise of powers conferred on the Director in this Section shall be:
 - (a) made in writing;
 - (b) in effect when signed by the Director; and
 - (c) made available for viewing by the public.

(B/L 40M2004, 2004 June 21)
(B/L 23M2006, 2006 March 20)

PERMITS

Permitted activities are contained in Section 9 of the proposed Bylaw.

49. The Director may grant Permits allowing any activity within a Park which is otherwise prohibited by this Bylaw including:
- (a) allowing open fires and barbeques in a Park;
 - (b) allowing parades, events or public gatherings in a Park;
 - (c) allowing Vehicles to operate in a Park at locations other than Park Roadways;
 - (d) allowing the sale of goods and services in a Park;
 - (e) allowing commercial guiding and interpretative tours in a Park;
 - (f) allowing the cutting or planting of Park Vegetation in a Park;
 - (g) allowing the use of Sports Fields for sporting events;
 - (h) allowing the removal of fossils or artifacts from a Park;
 - (i) allowing the placement of temporary signs or banners;
 - (j) allowing fireworks displays from a Park; and
 - (k) allowing the exclusive use of a Park or Pathway, or Trail, or a part of a Park or Pathway or Trail.

Permit Holder Requirements are contained in Section 32 of the proposed Bylaw.

50. A Permit is not valid unless it is in writing and signed by the Director.
51. The Director may place any conditions the Director considers reasonable on any Permit.
52. A Permit is valid only for the period of time it is granted.
53. The Director may amend, vary or revoke a Permit at any time.
54. A Permit holder shall have the Permit available for review and inspection at all times when exercising the rights granted under the Permit and shall produce the Permit upon the demand of an Officer.
55. Any Person who relies on a Permit has the onus of proving that they were the holder of a valid and subsisting Permit.
56. No Person shall 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.

POWERS OF OFFICERS removed from the proposed Bylaw

57. (1) Where an Officer observes a Person using or operating a Bicycle or Wheeled Conveyance in contravention of this Bylaw, the Officer may impound the Bicycle or Wheeled Conveyance for a period not exceeding 60 days
- (2) Where a Bicycle or Wheeled Conveyance has been impounded by an Officer, the owner or operator of such Bicycle shall, aside from any fine or penalty to which the owner may be subject, be liable for all reasonable costs incidental to the impounding.

PROSECUTIONS

Removed from current Bylaw as Administration attempts to limited excessive use of signage in parks

58. In a prosecution for contravening this Bylaw the evidence that a sign was posted is prima facia proof that the sign was properly erected by the proper authority without other or further proof thereof.

GENERAL PENALTY PROVISION Section 33

59. (1) Any Person who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing the Person is required to do;
- is guilty of an offence.
- (2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.

REMEDY ORDERS Section 34

60. (1) Where an Officer who also has the powers of a designated officer believes that a Person has contravened any provision of this Bylaw the Officer may:
- (a) in accordance with the *Municipal Government Act*, R.S.A. 2000, C. M-26 issue to the Person an Order to remedy the infraction;
 - (b) issue to the Person a violation ticket in accordance with the *Provincial Offences Procedures Act*, R.S.A. 2000 C. P-24; or
 - (c) do both (a) and (b).
- (2) If the Person to whom an Order has been issued pursuant to Subsection (1) fails to comply with the Order within the time specified in the Order:
- (a) that Person commits an offence under this Section and an Officer may issue a violation ticket pursuant to the *Provincial Offences Procedures Act*, R.S.A. 2000 C. P-24; and
 - (b) The City may take whatever steps are necessary to remedy the breach of

the Bylaw and The City may recover the costs of taking those steps, in accordance with the Municipal Government Act, R.S.A. 2000, C. M-26.

- (3) Any items removed, if deemed of value, will be removed to a place of safe keeping and will:
 - (a) be assessed a daily fee for storage costs as may be determined from time to time by the Director; and
 - (b) if unclaimed within ninety (90) days, be disposed of or sold at public auction.

TAGS Section 34

- 61. (1) Where authorized by legislation, where an Officer believes that a Person has contravened Section 11 or 12 of this Bylaw, he may serve upon such Person a parking tag allowing payment of a penalty as set out in Schedule "A" in lieu of prosecution of the offence.
- (2) A tag may be:
 - (a) personally served; or
 - (b) attached to any Vehicle in respect of which any parking offence is alleged to have been committed.
- (3) If the Person upon whom a tag is served fails to pay the required sum within the time specified, a violation ticket may be issued to that Person.
- (4) Nothing in this Section shall:
 - (a) prevent any Person from exercising his right to defend any charge of committing a breach of the Sections referred to in Subsection (1); or
 - (b) prevent any Officer, in lieu of serving a tag, issuing a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000 C. P-24.

VIOLATION TICKETS AND SPECIFIED PENALTIES Section 35

- 62. (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 pursuant to the Provincial Offences Procedures Act, R.S.A. 2000 C. P-24.
- (2) The specified penalty payable in respect of a violation of a provision of this Bylaw shall be the amount shown as the specified penalty in Schedule "A" of this Bylaw in respect of that provision.
- (3) If a Person commits the offences set out in Sections 4, 10, 11, 12, 13, 17, 19, 25, 26, 30, 31, 32, 33, 36, or 40 in an area that is undergoing construction or maintenance, the specified penalty for that offence is double the specified penalty set out for that offence in Schedule "A".

- (4) This section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, R.S.A. 2000 C. P-24, or from laying an information in lieu of issuing a violation ticket.

63. Schedule "A", attached, shall form part of this Bylaw.

MINIMUM PENALTIES AND SUBSEQUENT OFFENCES Section 35

64. The minimum penalty which may be imposed for:

- (a) a first offence in respect of a violation of any provision of this Bylaw shall be \$25.00;
- (b) a second offence of the same provision of this Bylaw within a twenty-four month period shall be \$50.00; and
- (c) a third or subsequent offence of the same provision of this Bylaw within a twenty-four month period shall be \$150.00.

OWNER LIABLE Removed from the proposed Bylaw

65. (1) If a Vehicle is involved in an offence referred to in this Bylaw, the owner of that Vehicle is guilty of an offence.
- (2) Subsection (1) does not apply if the owner of the Vehicle satisfies the Court that the owner did not park the Vehicle, and that the Person who parked the Vehicle did so without the owner's express or implied consent.
- (3) Notwithstanding Subsection (1), if the owner was not at the time of the offence driving the Vehicle, that owner is not in any event liable to imprisonment.
66. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

MISCELLANEOUS Section 2

67. Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.
68. Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
69. Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

EFFECTIVE DATE OF BYLAW AND REPEAL OF OTHER BYLAWS

Consequential Amendments, Repeal, and Coming Into Force, is contained in Sections 37, 38 and 39.

70. Upon third Reading of this Bylaw the following Bylaws are repealed:

- (a) Parks Bylaw 36/76;
- (b) Closing of Bowness Park for Certain Hours 132/78;
- (c) Bylaw to Designate Hours of Closing for Various Parks and Cemeteries in The City of Calgary 39M87; and
- (d) Control and Regulation of Cemeteries Bylaw 7798.

71. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS 12TH DAY OF JANUARY, 2004.

READ A SECOND TIME THIS 12TH DAY OF JANUARY, 2004.

READ A THIRD TIME THIS 12TH DAY OF JANUARY, 2004.

(Sgd.) D. Bronconnier
MAYOR

(Sgd.) D. Garner
CITY CLERK

SCHEDULE "A"

As the Bylaw has been rewritten it is difficult to convey new fines for previous offences. The following chart provides updated fines for previous offences, or similar if the offence is no longer specified in the same way it was in the current bylaw. New offences, or different terms for previous offences, are indicated in grey. Old fines have been blacklined.

<u>OFFENCE</u>	<u>SPECIFIED PENALTY</u>
Remain in a Park or area of a Park when closed	\$ 100.00 \$200
Enter or remain in a park when closed by Director (eg for safety concerns, coyotes, construction, etc)	\$500
Unauthorized (Unlawful) fire in a Park	\$ 100.00 \$500
Using trees, leaves Park Vegetation for fire	\$ 100.00
Contained in Unlawful fire in a park	\$500
Fire: improper hours, care and control	\$ 100.00
Contained in Unlawful fire in a park	\$500
Operate barbeque or stove where prohibited	\$ 100.00 No longer specified
Camp or erect tent or structure in a Park	\$ 100.00
Prohibited activity without a permit	\$200
Operate a Vehicle in a Park off Roadway	\$ 200.00 \$500
Park a vehicle outside authorized areas	\$ 50.00 \$100
Park a Vehicle overnight	\$ 50.00 \$100
Speeding in a Vehicle in a Park	\$ 100.00 \$500
Swimming or wading where prohibited in a Park	\$ 100.00
Enter river, lake or pond from a park	\$500
Jump off Amenity into water in a Park	\$ 200.00 No longer specified
Launch boat where prohibited in a Park	\$ 100.00
Enter river, lake or pond from a park	\$250
Enter river, lake or pond from a park during a high flow or boat advisory	\$500

Permit domestic animal to enter river, lake or pond from a <i>park</i>	\$100
Fail to clean, drain and dry watercraft	\$100
Unlawful activity in a park (encompasses damage or unsafe behaviour)	\$250
Damage or interfere: Park, contents or animals	\$ 200.00
Disturb wildlife in a <i>park</i>	\$250
Damage or use an Amenity, Pathway or Trail for other than intended purpose	\$ 200.00 \$250
Stunting or unsafe activity on a Pathway Park Roadway, Trail or Amenity	\$ 100.00 \$250
Activity which may injure, disturb or damage Park, Amenity or Park user	\$ 100.00 \$250
Activities prohibited in a Park	\$ 50.00
Prohibited activity outside designated areas	\$200
Prohibited activity without a permit	
Play hockey where prohibited	\$ 50.00 \$200
Bring, plant, build, apply prohibited things in a Park	\$ 100.00
Disturb or damage <i>park vegetation</i>	\$250
Remove <i>park vegetation</i>	
Plant vegetation in a <i>park</i>	
Cut, irrigate or spray <i>park vegetation</i>	
Drain water into <i>park</i>	\$1500
Operate prohibited things in a Park	\$ 100.00
Prohibited activity outside designated areas	\$200
Prohibited activity without permit	
Operate drone in a park	
Disobey or place a sign in a Park	\$ 100.00
Disobey a Flagger, City Employee or Officer	\$ 100.00 \$500

<u>OFFENCE</u>	<u>SPECIFIED PENALTY</u>
Improper Waste disposal in a Park Unlawful disposal of waste in a <i>park</i>	\$ 500.00
Improper Waste disposal from a vehicle Unlawful disposal of waste in a <i>park</i>	\$750.00 \$500
Dispose of burning Waste in a Park Unlawful disposal of waste in a <i>park</i>	\$1000.00 \$500
Urinate or defecate in a Park	\$ 100.00 Removed as redundant to other bylaws
Commercial venture in a Park Engage in <i>commercial activity</i> in a <i>park</i>	\$ 100.00 \$500
Unauthorized <i>vehicle</i> or device on a <i>pathway</i>	\$200
Ride a Bicycle or Wheeled Conveyance off a Pathway or Trail or Park Roadway Leave a <i>pathway</i> or <i>trail</i> where prohibited	\$ 100.00 \$250
Ride where closed or prohibited Ride or operate <i>bicycle</i> or <i>wheeled conveyance</i> where prohibited	\$ 100.00 (no change)
Speed on a Pathway or Trail	\$ 50.00
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 \$200
<i>Vehicle</i> speed above posted limit	\$200
Unsafe Speed on Pathway or Trail Unsafe speed on a <i>pathway</i>	\$ 100.00 \$200
Failure to yield right of way when entering Pathway Unsafe activity on a <i>pathway</i>	\$ 100.00 \$250
Failure to yield right of way at uncontrolled intersections Unsafe activity on a <i>pathway</i>	\$ 100.00 \$250
Unsafe activities on Pathway Unsafe activity on a <i>pathway</i>	\$ 100.00 \$250
Travelling left of Centre Line of Pathway where prohibited Unsafe activity on a <i>pathway</i>	\$ 100.00 \$250
Unsafe passing on Pathway Unsafe activity on a <i>pathway</i>	\$ 100.00 \$250

Unsafe return to right side of Pathway	\$ 100.00
Unsafe activity on a <i>pathway</i>	\$250
Cyclist or in-line skater, unsafe operation	\$ 100.00
Unsafe activity on a <i>pathway</i>	\$250
Use of poles on a Pathway	\$ 100.00 Omitted from proposed bylaw
Riding with more passengers than intended (double riding)	\$ 50.00
Unsafe activity on a <i>pathway</i>	\$250
Towing	\$ 50.00
Unsafe activity on a <i>pathway</i>	\$250
Improperly equipped Bicycle	\$ 50.00
Unsafe activity on a <i>pathway</i>	\$250
Operate at night without lights	\$ 100.00
Use <i>pathway</i> without required lighting	\$200
Close or obstruct a pathway without authorization	\$250
Conduct unauthorized maintenance or construction activity	\$250
Allow dog off-leash in a <i>park</i>	\$100
Encroach on a <i>park</i>	\$1000
	\$ 50.00
Failure to produce Permit on demand	\$100
Failure to comply with <i>permit</i> conditions	\$300
Interference with use of a Permit holder	\$ 100.00
Interfere with use of reserved space	\$200
Failure to comply with an Order	\$1000.00
	\$500

(B/L 39M2008, 2008 September 08)