

## Summer Village of Larkspur

### SUMMER VILLAGE OF LARKSPUR PUBLIC LAND USE AND RECREATION BYLAW

<b>Bylaw Name:</b>	<b>Use of Public Lands</b>		
<b>Bylaw number</b>	<b>25-07</b>	<b>Date Approved:</b>	
<b>Reviewed By:</b>		<b>Date Reviewed:</b>	

WHEREAS, by virtue of the power conferred upon it by the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, (hereinafter the "Municipal Government Act") the Council of the Summer Village of Larkspur, in the Province of Alberta, duly assembled, enacts as follows:

#### 1. PURPOSE

This bylaw is for the purpose of regulating the use of public lands to be compatible with the normal activities of urban life and with the recreational objectives of the municipality.

#### 2. DEFINITIONS

- a. All definitions in this bylaw apply as defined in the Public Lands Act, RSA 2000, c P-40, and the Public Lands Administration Regulation except where expressly stated in this bylaw.
- b. "Act" shall mean the Municipal Government Act, Chapter M-26 RSA 2000.
- c. "Chief Administrative Officer (CAO)" means a person appointed by Council under a bylaw by the Summer Village of Larkspur in the Province of Alberta, or that person's designate acting lawfully as CAO in any absence.
- d. "Council" means the Council of the Summer Village of Larkspur.
- e. "Municipality" means all lands within the Corporate Boundary limits of the Summer Village of Larkspur in the Province of Alberta.
- f. "Municipal Tag" means a ticket for any violation of this bylaw in the form of a numbered "Notice of Violation" and contains provisions for either a "warning," or a "voluntary payment" payable to the Summer Village of Larkspur with or without discount provisions.
- g. "Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed pursuant to the Alberta Peace Officer Act, or a Municipal Bylaw Enforcement Officer appointed by the Summer Village of Larkspur.
- h. "Person" includes any person, individual, owner, public body, body corporate, society, firm or partnership;
  - i. "Public Land" means:
    - i. Environmental Reserves and Natural Areas; and
    - ii. Municipal Reserves;
    - iii. Any land subject to the Summer Village direction, management or control including but not limited to:
      1. Land titled to the Summer Village of Larkspur;
      2. Developed or undeveloped Road Right-of-Ways and Statutory Road Allowances;
      3. All easements in favor of the Summer Village;
      4. All utility Right-of-Ways.
- j. "Summer Village" means the Summer Village of Larkspur.

- k. "Unauthorized Use" means a person accessing on or over Public Lands or constructing, storing, erecting or placing anything on/under or over Public Land for any purpose without written consent from the Summer Village.
- l. "Vehicle" means a device in, on or by which a person or thing may be transported or drawn on a highway but does not include a mobility aid or a golf cart that is not capable of a speed that exceeds 30 KPH.
- m. "Violation Ticket" means a provincial ticket as described in the Alberta Provincial Offences Procedures Act Chapter P-34, RSA 2000 and the Procedures Regulation and may be issued in the form either a part 2 Summons or a part 3 Offence Notice.

### 3. CONSENT TO USE

- a. Any person wishing to make use of public land, with the exception of day use, must apply to the Summer Village in writing for their proposed use.
- b. The CAO may authorize the proposed use and may specify conditions.
- c. Privately owned signs on Public Lands are prohibited, except as exempted on a case-by-case basis for signs for non-profit organizations under the Societies Act (Alberta) and/or the Board of Trade Act (Canada).

### 4. PUBLIC PROPERTY

- a. No person shall make unauthorized use of public land.
- b. No person shall use the public land for the parking or temporary storage of any vehicle, whether operable or inoperable, including but not limited to cars, trucks, vans, recreational vehicles, all-terrain vehicles, snowmobiles, boats, campers, and trailers.
- c. Docks and lifts may be temporarily stored on Summer Village reserves if they have written permission from the Chief Administrative Officer as authorized in the "Temporary Seasonal Docks and Lifts on Municipal Reserves" bylaw.
- d. No person shall develop on any municipal reserve, environmental reserve, or other municipal-owned land.

### 5. UNAUTHORIZED USES on Public Land

- a. Unauthorized uses include but are not limited to the following:
  - a. Constructing a driveway, parking pad or site, garage, stairway, walkway, pool, patio, deck;
  - b. Constructing and/or maintaining a skating or hockey rink;
  - c. Placing or storing personal property;
  - d. Installing irrigation or electrical systems;
  - e. Constructing drainage facilities, including pipes, catch basins, sumps, swales, detention ponds and ancillary structures;
  - f. Erecting staging, scaffolding or similar structures;
  - g. Depositing or storing building materials, topsoil, clay, sand, gravel, storing or operating machinery, equipment or tools used or to be used in connection with the erection, alteration, demolition, repair or painting of any structure;
  - h. Digging, cutting, excavating, filling or dumping soil, refuse, garden or yard material, compost, and other materials.

## 6. PROHIBITIONS

No person shall:

- a. Remove trees and/or shrubs, excavation, grading or drainage alteration on any municipal reserve, environmental reserve, or other municipal-owned land, without written approval from the municipality;
- b. Erect or cause to be erected any fence on any property owned by the municipality without their express written approval;
- c. Operate any vehicle on public land;
- d. Park any vehicle upon any land owned by the Summer Village which the said Summer Village uses or permits to be used as a playground, recreation area, public park or for utility purposes except on such areas that the Municipal Administrator or designated employee may designate by a Traffic Control Device for vehicle parking;
- e. Place unauthorized signage/commercial advertising upon the Public Land.
- f. Operate or permit the operation of all-terrain vehicles, dirt bikes, golf carts, or quads on any public land, pathway, or trail within the Summer Village, except where expressly authorized in writing by the Chief Administrative Officer.

## 7. THE CAO, MAY, BY ORDER

- a. Require the person responsible for an unauthorized use of public land to cease such unauthorized use.
- b. An Order given by the CAO or designate must:
  - i. Identify the unauthorized use,
  - ii. Direct the person to take any action or measures necessary to remedy the unauthorized use, including, but not limited to, the restoration of the public land to its state immediately before commencement of the unauthorized use,
  - iii. State a time within which the person must comply with the direction.
- c. An Order may be served to an individual or a business:
  - i. Personally, if directed to an individual or by delivery to a person apparently over the age of sixteen (16) years residing or employed at the address where the individual resides, carries on business or is employed;
  - ii. Sending by prepaid registered mail to its registered office or its place of business in the case of any other corporation.
- d. No person shall fail to comply with an Order.
- e. If the Summer Village is unable to ascertain the name of the person or business responsible for any unauthorized use:
  - i. The Summer Village will post a sign on the public land which is the subject of the unauthorized use stating that, if the unauthorized use is not stopped and all work done necessary to restore the public land to its condition immediately before commencement of the unauthorized use, by a date at least twenty-one (21) days after the sign is posted, the Summer Village will do such work.
  - ii. If the Summer Village does work pursuant to the preceding paragraph, the cost of so doing will be a debt due to the Summer Village from the person responsible for the unauthorized use.
  - iii. The work referred to in preceding paragraphs includes, but is not limited to, the removal of

materials and chattels of all kinds, excavating and removing improvements and carrying out landscaping.

iv. In the case of an emergency of any kind or a perceived threat to public safety, the period of twenty-one (21) days prescribed may be shortened to whatever period the CAO considers appropriate.

v. The Summer Village may sell any materials or chattels referred to in paragraph 5.3(5.3.3) and apply the proceeds towards payment of the debt due to the Summer Village from the person responsible for the unauthorized use.

## 8. ENFORCEMENT

- a. A person who contravenes any provision of this bylaw or the "Temporary Seasonal Docks and Lifts on Municipal Reserves" bylaw is guilty of an offence.
- b. A person who is found guilty of an offence under this bylaw or the Temporary Seasonal Docks and Lifts bylaw is liable to a fine of at least \$200.00 and not exceeding \$10,000.00.
- c. If a fine imposed is not paid, the Summer Village will proceed to collect it in the same manner as a civil judgement in favor of the Summer Village.
- d. In addition to imposing a fine pursuant to section 6.2, the Court may:
  - i. Order the responsible person to cease the unauthorized use and take whatever steps are necessary to restore the public land which has been subject to the use to the condition it was in prior to commencement of the use; and
  - ii. Direct that, if the responsible person fails to comply with an order pursuant to the preceding paragraph 6.4 (a) within a specified time, the Summer Village will be at liberty to do the work required and recover the costs of so doing from the responsible person. Such costs may be determined either concurrently with the imposition of a fine or upon subsequent application to the court.

## 9. VIOLATION TAGS

- a. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- b. A Violation Tag may be issued to such person either personally, or by mailing a copy to such person at his or her last known post office address.
- c. The Violation Tag shall be in a form approved by the Municipal Administrator and shall state:
  - i. The name of the person;
  - ii. The offence;
  - iii. The appropriate penalty for the offence being the minimum penalty prescribed by this bylaw;
  - iv. That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - v. Any other information as may be required by the Municipal Administrator.
- d. Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

- e. 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 Village the penalty specified in the Violation Tag.
- f. Nothing in this bylaw shall prevent a Bylaw Enforcement officer from immediately issuing a Violation Ticket.

#### 10. VIOLATION TICKET

- a. If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedures Act.
- b. A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- c. A violation ticket may be issued to such person either personally, or by mailing a copy to such person at his or her last known post office address.
- d. The violation ticket shall be in a form approved by the Municipal Administrator and shall state:
  - i. The name of the person;
  - ii. The offence;
  - iii. The appropriate penalty for the offence being the minimum penalty prescribed by this bylaw;
  - iv. The time within which the penalty must be paid;
  - v. Any other information as may be required by the Municipal Administrator.

#### 11. REPEAL

This bylaw repeals Bylaw #21-02 and Bylaw #99-02.

#### 12. EFFECTIVE DATE

This bylaw shall come into force upon third and final reading.

Read a first time this 10<sup>th</sup> day of June 2025

Read a second time this 10<sup>th</sup> day of June 2025

Received Unanimous consent to be given third reading this 10<sup>th</sup> day of June 2025

Read a third time and finally passed this 10<sup>th</sup> day of June 2025

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Mayor



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Administrator