

## **SUMMER VILLAGE OF ARGENTIA BEACH**

### **BYLAW #240**

#### **A BYLAW OF THE SUMMER VILLAGE OF ARGENTIA BEACH, IN THE PROVINCE OF ALBERTA, TO CONTROL THE USE OF MUNICIPAL PROPERTY**

WHEREAS the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, Part 2, Sections 7 and 8 and amendments thereto, authorizes the Council of a municipality to pass bylaws pertaining to the protection of people, property and transportation systems, and

WHEREAS within the corporate limits of the Summer Village of Argentia Beach there are municipal properties including roads owned by the Village under the ownership, control and management of the Summer Village of Argentia Beach, and

WHEREAS it is deemed desirable and expedient to provide for the control and use of these municipal properties owned by the Village, and

WHEREAS the Traffic Safety Act, and amendments thereto, authorizes the Council of a municipality, with respect to Highways under its direction, to control, manage and pass bylaws authorizing Persons to operate Vehicles on any portion of such Highways, and

WHEREAS the Council of the Summer Village of Argentia Beach considers it desirable and expedient to do so.

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

#### **SECTION 1 - NAME OF BYLAW**

This Bylaw shall be known as "The Municipal Properties Bylaw".

#### **SECTION 2 – PURPOSE OF THIS BYLAW**

The purpose of this Bylaw is to protect the long term viability of Municipal Properties and to control activities on these properties for the safety of the residents of the Summer Village.

### SECTION 3 – DEFINITIONS FOR THE PURPOSE OF THIS BYLAW

In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

*"Boat lift"* means a mechanism for lifting boats from the water.

*"Boat dock"* means a structure that's made for bringing boats in to the shore and loading or unloading passengers or materials,

*"Council"* means the Council of the Summer Village of Argentia Beach.

*"Green Belt"* means a policy and land use zone designation used in land use planning to retain areas of largely undeveloped, wild, or agricultural land surrounding neighboring urban areas.

*"Highway"* means a highway as defined in the Traffic Safety Act, and amendments thereto and excludes pathways defined in j) below. In this Bylaw the term "road" is synonymous with the term "highway".

*"Motor Vehicle"* means a motor vehicle as defined in the Traffic Safety Act.

*"Municipal Property"* means roads, right-of-ways, boulevards, pathways, structures, equipment, installations, devices, signs, barriers, reserves, boat launch, public parks including playgrounds, playground equipment and property owned by the Village.

*"Off-Highway Vehicle"* means an off-highway vehicle as defined in the Traffic Safety Act and includes quads, snow machines and other such vehicles.

*"Operator"* means a person who drives or is in actual physical control of any vehicle.

*"Owner"* (of a vehicle) includes a person renting any vehicle or having exclusive use of that vehicle.

*"Owner" (of a property) means :*

- (i) the registered Owner of the property under the Land Titles Act, R.S.A. 2000, c.L-4, as amended or replaced and repealed from time to time; or
- (ii) A Person who has purchased or otherwise acquired the Property, whether directly from a previous Owner or from another purchaser, and has not yet registered ownership; or
- (iii) A Person listed as Owner of the Property on the current assessment role; or
- (iv) The Person who owns an object.

*"Park"* – see *"Reserve"*.

*"Pathway"* means any paved, graveled or natural walkway used by pedestrians and people using mobility aids, such as wheelchairs, and people using bicycles within the Summer Village.

*"Peace Officer"* means a peace officer as defined in the Traffic Safety Act and includes Bylaw Enforcement Officer as appointed by Council from time to time.

*"Person"* means any person, individual, owner, public body, society, firm or partnership.

*"Playground"* means a piece of land used for and equipped with facilities for recreation especially for children.

*"Reserve"* means any area designated as a public reserve, community reserve, or park, title to which is vested to the Summer Village of Argentia Beach.

*"Structure"* means building, shed, fence, tree house, playground equipment and similar installations.

*"Summer Village"* means the Summer Village of Argentia Beach.

*"Trailer"* means a vehicle so designated that it may be drawn by a motor vehicle or tractor and intended to transport property or persons and includes any vehicle defined by provincial regulation as a trailer.

*"Vehicle"* means vehicle as defined in the Traffic Safety Act.

*"Violation Tag"* means a tag or similar documents issued by the Municipality pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended;

*"Violation Ticket"* means a ticket issued pursuant to Part II or Part III of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended and the regulations there under;

#### **SECTION 4 – MUNICIPAL PROPERTY - USES AND RESTRICTIONS**

- a) No fires of any type are permitted in or on any Municipal Property.
- b) The cutting of brush or trees or the damaging of natural growth or vegetation on any Municipal Property is prohibited unless authorized in writing by the Summer Village. Residents are encouraged to maintain grass and trees along the south side of the roadway and may plant trees, shrubs, and flowers but only 3 meters from the roadway. Existing trees must be trimmed back a minimum of 2 meters from the roadway.
- c) No planting of trees, or any other flowers or shrubbery is allowed on the green belt.
- d) Any action that damages or is likely to damage Municipal Property or that causes or is likely to cause danger to Summer Village residents or visitors is prohibited in or on any Municipal Property.
- e) No Person shall deposit waste of any kind including but not limited to lawn or garden waste, tree branches etc, on any Municipal Property.
- f) Building supplies, excavation material, and/or construction equipment shall not be stored on Municipal Property.
- g) No camping is permitted in or on any Municipal Property. Special permission may be obtained from the Summer Village to allow for tents for a maximum of 3 days.

## **SECTION 5- STORAGE RESTRICTIONS**

No person shall store any materials on Municipal Property even during the winter season.

## **SECTION 6- LIABILITIES**

- a) The Summer Village of Argentia Beach assumes no liability for any equipment, or its use by the Owner or the Public. The Owners of such equipment shall be liable for any and all damages caused by storage and removal of such property.

## **SECTION 7- PENALTY PROVISIONS AND POWERS OF PEACE OFFICERS/BYLAW ENFORCEMENT OFFICER**

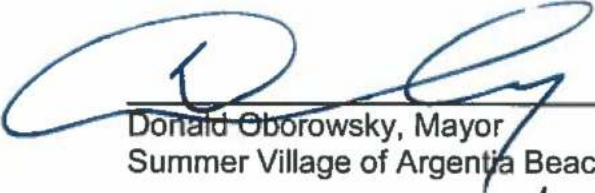
- a) Any Person who contravenes any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to the penalty as set out in Schedule A.
- b) A Peace Officer and/or Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation tag to any person, who the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- c) In those cases where a violation tag has been issued and if the minimum specified penalty on the violation tag has not been paid within the prescribed time, then a Peace Officer/Bylaw Enforcement Officer is hereby authorized and required to issue a violation ticket pursuant to Part II or Part III of the Provincial Offences Procedure Act, to any person who the Peace Officer/Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of the Bylaw.
- d) A Peace Officer authorized to enforce this Bylaw under Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where the tag is not paid by the offender, a Part 2 violation tag may be issued to that person under the Provincial Offences Procedures Act, R.S.A. Chapter 2000, P-34 and amendments thereto.

**SECTION 9 – EFFECTIVE DATE**

READ a first time this 27<sup>TH</sup> day of November, 2018.


READ a second time this 21<sup>st</sup> day of January, 2019.

READ a third time and finally passed this 21<sup>st</sup> day of January, 2019



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Donald Oborowsky, Mayor  
Summer Village of Argertia Beach



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Sylvia Roy, CAO  
Summer Village of Argertia Beach



Schedule "A" to Bylaw No. 240 – Summer Village of Argentia Beach

**A BYLAW TO CONTROL THE USE THE USE OF MUNICIPAL PROPERTY**

Improper storage of a boat, boat lift, dock, or other equipment  
Section 5

\$125 plus removal  
cost

Improper use or damage of Municipal Property and all other offences  
Section 4 (a-g)

\$125 plus  
restoration and/or  
removal costs