

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44**  
**BYLAW NO. C-5756-2003**

A Bylaw of the Municipal District of Rocky View No. 44 providing for the regulation of municipal land and reserves.

**WHEREAS** pursuant to Section 7 (a) of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, the Municipal District of Rocky View may pass Bylaws for the protection and preservation of Municipal Lands and Reserves.

**NOW THEREFORE**, the council of the Municipal District of Rocky View No. 44 in the province of Alberta, duly assembled, hereby enacts as follows:

**TITLE**

1. This Bylaw may be cited as “The Municipal Land and Reserves Bylaw”.

**DEFINITIONS**

2. In this Bylaw, unless the content otherwise requires:
  - (a.) “Council” – means the Municipal Council of the Municipal District of Rocky View No. 44.
  - (b.) “Environmental Reserve” (ER) – means a part of a land parcel designated as an environmental reserve as defined under section 664(1) of the Municipal Government Act R.S.A. 2000, c. M-26.
  - (c.) “Litter” - any solid or liquid material or product or- combination of solid **or** liquid materials or products, including, but not limited to:
    - (i.) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage **or** the whole or a part of an animal carcass or
    - (ii.) the whole **or** part of any article, raw or processed material, Motor Vehicle or other machinery, that **is** disposed of; or
    - (iii.) any dirt, gravel, rock, sand, rubble **or** clean fill; or
    - (iv.) any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended and the Regulations thereunder.
  - (d.) “Motor Vehicle” – means a motor vehicle as defined in the Traffic Safety Act, R.S.A. 2000 c. T.6, as amended from time to time and the regulations thereunder.
  - (e.) “Municipality” – means the Municipal District of Rocky View No. 44 a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.
  - (f.) “Municipal Land” – means a parcel of land or a part of a parcel of land owned by the municipality or land in which the municipality is in the process of acquiring. Such lands are designated as Municipal Reserve, School Reserve, Municipal and School Reserve, Environmental Reserve or Public Utility Lot.
  - (g.) “Municipal Reserve” (MR) – means a part of a land parcel designated as a Municipal Reserve as defined in section 666(1) of the Municipal Government Act R.S.A.2000, c. M-26.

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- (h.) “Municipal and School Reserve” (MSR) – means part of a land parcel designated as a municipal school reserve as defined in section 666(1) of the Municipal Government Act R.S.A. 2000, c. M-26.
- (i.) “Nuisance” - means any activity or condition within the Municipal District of Rocky View No. 44 which interferes with, annoys, disturbs, injures or endangers the safety, comfort, peace or health of others.
- (j.) “Peace Officer” - means a member of the Royal Canadian Mounted Police, a Special Constable or Bylaw Officer employed by the Municipal District of Rocky View or any other sworn Police Officer in the Province of Alberta.
- (k.) “Permit” – means a written authorization issued pursuant to approval granted by the Municipal District of Rocky View No. 44 in respect to activities on municipal lands, reserves or structures.
- (l.) “Permittee” – means a person who applied and obtained a permit in respect to activities on municipal lands, reserves or structures.
- (m.) “Person” – means the person who owns a vehicle, a person whose name appears on the vehicle registration or any person in care and control of a vehicle by implied permission of the owner or by rental agreement.
- (n.) “Public Utility Lot” (PUL) – means a part of a land parcel designated as a public utility lot as defined in the Municipal Government Act R.S.A. 2000, c. M-26.
- (o.) “School Reserve” (SR) – means a part of a land parcel designated as a school reserve as defined in the Municipal Government Act R.S.A. 2000, c. M-26.
- (p.) “Special Constable” – means a person appointed under the authority of the Police Act R.S.A. 2000. chapter P-17, section 42 and employed as such by the Municipal District of Rocky View No. 44.
- (q.) “Violation Ticket” – means a ticket issued to Part 2 of the Provincial Offences and Procedures Act, R.S.A. 2000 c. P-34.

**PEACE OFFICERS AUTHORITY**

- 3. Any member of the Royal Canadian Mounted Police, Special Constable or Bylaw Officer appointed and employed by the Municipal District of Rocky View are authorized to enforce any section of this Bylaw.

**POWERS OF PEACE OFFICERS**

- 4. Peace Officers for the purpose of this Bylaw may:
  - (a.) enforce any part of this Bylaw within the Municipal District of Rocky View No. 44 corporate boundary.
  - (b.) access any municipal land, reserve or structure, at any time for inspection or enforcement activities.
  - (c.) suspend or cancel any permits issued pursuant to any municipal land, reserve or structure.
  - (d.) order any person or corporation to cease and desist any activity on municipal land, reserve or structure, which in the opinion of the peace officer, such activity may compromise the quality of the land, reserve or structure.
  - (e.) order the restoration of any disturbed land, reserve or structures to their original condition at the offender’s expense.
  - (f.) remove and seize any items not described within the terms of an authorized permit.

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- (g.) serve written notice under “Schedule A” describing the unsatisfactory condition(s), expectations of restoration and a date to which such restoration is to be completed by. Failure to meet conditions may result in prosecution.

**OFFENCES**

5. No person shall without, a written authorized permit:

- (a.) Fail to produce a valid permit at the request of a peace officer, on any municipal land, reserve or structure.
- (b.) In any way injure or deface any turf, tree, shrub, hedge, plant, flower or structure on municipalland or reserve.
- (c.) Dig in the earth, or remove any natural feature or man-made structure from municipal land, reserve or structure.
- (d.) Conduct any activity, which causes a disturbance to anyone’s peaceful enjoyment of public or private property.
- (e.) Discard any litter on land or water on municipal land, reserve or structure.
- (f.) Obstruct any peace officer in the performance of his investigation and lawful authority to enforce this Bylaw.

5.1 No person shall, without a written authorized permit:

- (a.) Place or erect any structures, sign, bulletin board, post, pole, or advertising device of any kind, attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure on any municipal land, reserve or structure.
- (b.) Sell or offer for sale any article of food, drink, or merchandise, or carry on any business on any municipal land, reserve or structure.
- (c.) Discharge or ignite any fireworks or missiles from any municipal land, reserve or structure.
- (d.) Park or operate any motorized vehicles / trailers on municipal land or reserve.
- (e.) Camp or take up occupancy on any municipal land, reserve or structure.
- (f.) Light any outdoor fire on municipal land, reserve or structure.
- (g.) Permit any livestock to graze on any municipal land or reserve.
- (h.) Discharge any firearms on municipal land, reserve or structure.
- (i.) Hunt or trap any animal on municipal land, reserve or structure.

**GENERAL PENALTY PROVISION**

- 6. Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

**MINIMUM AND SPECIFIED PENALTIES**

- 7(a.). The minimum and specified penalty for a violation of any provision of this Bylaw is a fine in the amount of \$500.

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- (b.). Notwithstanding Section 9 of this Bylaw, if a Person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalty for the second such violation shall be a fine in the amount of \$1000.
- (c.) 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 he is liable under the provisions of this Bylaw.
- (d.) A Provincial Judge/Commissioner, in addition to the penalties provided in this section, may if they consider the offence sufficiently serious, directs or order restoration of the affected land or, order compensation to be paid to the Municipal District of Rocky View No. 44 as a result of costs incurred to the Municipality for restoration.

**ENFORCEMENT**

- 8. Where an Enforcement Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such Person by:
  - (a) Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act; or
  - (b) Swearing out an Information and Complaint against the Person.

Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 11 of this Bylaw, the Officer may either:

- (a) allow the Person to pay the specified penalty as provided for the offence in Sections 9 and 10 of this Bylaw by including such specified penalty in the Violation Ticket; or
- (b) require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Municipal District from pursuing any other remedy in relation to a Premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

- 10. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

**STRICT LIABILITY OFFENCE**

- 11. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

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**REPEAL**

- 12(a.)           Bylaw No. C-5547-2002 is hereby repealed.
- (b.)           That Bylaw C-5547-2002 is hereby rescinded.

**EFFECTIVE DATE**

13.       This Bylaw comes into force and effect upon it receiving third reading.

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor Habberfield.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor Goode.

Permission for third reading was passed unanimously in open Council, assembled in the City of Calgary in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor McLean.

Third and final reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor Kent.

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REEVE OR DEPUTY REEVE

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MUNICIPAL SECRETARY