

## SUMMER VILLAGE OF GRANDVIEW

### BYLAW 346

#### A BYLAW OF THE SUMMER VILLAGE OF GRANDVIEW, 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 Grandview there are municipal properties including roads under the ownership, control and management of the Summer Village of Grandview, 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 and manage such Highways, and

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

NOW THEREFORE the Council of the Summer Village of Grandview, 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:

- a) "*Council*" means the Council of the Summer Village of Grandview.
- b) "*Highway*" means a highway as defined in the Traffic Safety Act, and amendments thereto and excludes pathways defined in k) below. In this Bylaw the term "road" is synonymous with the term "highway".
- c) "*Lake*" means Pigeon Lake.
- d) "*Motor Vehicle*" means a motor vehicle as defined in the Traffic Safety Act.

- e) *"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 all other property owned by the Village.
- f) *"Off-Highway Vehicle"* means an off-highway vehicle as defined in the Traffic Safety Act and includes quads, snow machines and other such vehicles.
- g) *"Operator"* means a person who drives or is in actual physical control of any vehicle.
- h) *"Owner"* (of a vehicle) includes a person renting any vehicle or having exclusive use of that vehicle.
- i) *"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.
- j) *"Park"* – see *"Reserve"*.
- k) *"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.
- l) *"Peace Officer"* means a peace officer as defined in the Traffic Safety Act and includes a Bylaw Enforcement Officer as appointed by Council from time to time.
- m) *"Person"* means any person, individual, owner, public body, society, firm or partnership.
- n) *"Playground"* means a piece of land used for and equipped with facilities for recreation especially for children.
- o) *"Reserve"* means any area designated municipal reserve or environmental reserve under the Land Use Bylaw, title to which is vested to the Summer Village of Grandview.
- p) *"Structure"* means building, shed, fence, tree house, playground equipment and similar installations.
- q) *"Summer Village"* means the Summer Village of Grandview.
- r) *"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.
- s) *"Vehicle"* means vehicle as defined in the Traffic Safety Act.
- t) *"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;
- u) *"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**

Unless an exception is specifically approved in writing by the Summer Village, the following restrictions and conditions apply:

- a) When the Lake is covered in ice, Off-Highway Vehicles may be used in water-front Reserves, Parks, municipal road allowances and Pathways, only for the purpose of accessing the Lake and only if snow cover is sufficient to prevent environmental damage.
- b) When the Lake is not covered in ice, Off-Highway Vehicles are prohibited from operating on any Municipal property other than roads, except for the purpose of moving boats, docks, and boat lifts.
- c) Operators of all Motor Vehicles, including Off-Highway Vehicles, shall be responsible for all damage incurred by the operation of their Vehicles on any Municipal Property
- d) No camping is permitted in or on any Municipal Property.
- e) No fires of any type are permitted in or on any Municipal Property.
- f) The cutting of brush or trees or the damaging of natural growth of vegetation on any Municipal Property is prohibited.

- g) Any action that damages or is likely to damage Municipal Property or that causes or is likely to cause disruption or undue convenience to Summer Village residents or visitors is prohibited in or on any Municipal Property.
- h) No Person shall deposit waste of any kind or store any personal property including vehicles or boats in or on any Municipal Property except as provided by Sections 4m and 4n.
- i) No excavations or structures, including tree houses and fences, shall be placed on any Municipal Property.
- j) Any request for new development on municipal property must come to Council for approval.
- k) Persons using any Municipal Playground, Park, or Reserve shall not cause excessive noise or disturbance.
- l) No Person shall deface, damage or remove any municipal signage or markers.
- m) Dock access is prohibited on the shoreline in Hamblin Park between the playground and the gazebo.
- n) Owners of property in the Summer Village may store boat lifts, docks, and associated equipment on Municipal Property subject to the following conditions:
  - i. The Summer Village will require permits with conditions for such storage.
  - ii. Storage of equipment is prohibited in Hamblin Park between the playground and the gazebo.
  - iii. Storage must be done on grassed areas in such a manner as public access to the lake is not blocked or impaired.
  - iv. Vegetation including brush or trees must not be damaged to clear areas for such storage.
  - v. All lifts and docks must be clearly marked with the owner's Summer Village lot number for identification. Any unmarked or unverifiable equipment may be deemed to be abandoned and subsequently removed.
  - vi. All stored material must be removed from June 1 to September 1 of each year.
  - vii. Boat and trailer storage on Municipal Property is prohibited at all times.
  - viii. The Summer Village may, at its sole discretion, revoke the privilege of storing such equipment at any time for any reason.
- o) Building supplies, excavation material, and/or construction equipment shall not be stored on Municipal Property unless permission has been granted in writing by the Summer Village.
- p) Roads shall be protected from damage by equipment during construction periods on residential lots and shall be kept free of stored material.
- q) Snow from driveways and residential lots shall not be placed on the road surface.
- r) Temporary parking of vehicles up to 48 hours is permitted on Summer Village Roads subject to the following:
  - i. Angle parking with any portion of the vehicle extending onto the roadway is prohibited. Only parallel parking with less than one half of the vehicle extending over the roadway is permitted.
  - ii. Parking of trailers of any type is prohibited on Summer Village roads.
- s) Ditches in or on Municipal Property may not be modified without an approved development permit from the Summer Village. All driveways to residential lots must be equipped with culverts compliant with requirements as set out in the Summer Village Land Use Bylaw. Owners of residential lots are responsible for keeping the culverts in their driveways free of obstructions so as to allow the drainage of runoff water.
- t) Any person applying to the Government of Alberta for a Temporary Field Authorization to place a mooring structure (such as a dock, boat lift, or swimming platform) in the Lake, as required effective June 2019, must first apply for and receive permission in writing from the Summer Village if the nearest access point to the mooring structure is on municipal property belonging to the Summer Village. Such permission will specify conditions including location and term.

## SECTION 5 – LIABILITIES

- a) Owners of piers, boat lifts, and associated equipment, or other things as provided by this bylaw, attached to or stored on Municipal Property shall be responsible for safely locating such items and maintaining such items in good condition without risk to the public or the environment. The Summer Village assumes no liability for stored items, or their use by the Owner or the Public. The Owners of such items shall be liable for any and all damages caused by their storage.

## SECTION 6 – SEVERABILITY

- a) Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

## SECTION 7 - PENALTY PROVISIONS AND POWERS OF PEACE OFFICERS

- 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 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 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 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 8: REPEAL OF BYLAW

As of the effective date of this Bylaw, Bylaw #332 is hereby repealed.

## SECTION 9 – EFFECTIVE DATE

READ a first time this 08<sup>th</sup> day of November, 2019.

READ a second time this 13<sup>th</sup> day of December, 2019.

READ a third time and finally passed this 23<sup>rd</sup> day of January, 2020.

  
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Don Davidson, Mayor  
Summer Village of Grandview

  
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Sylvia Roy, Chief Administrative Officer  
Summer Village of Grandview

**Schedule "A" to Bylaw No. 346 – Summer Village of Grandview**

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

1. Improper parking of a motor vehicle	\$50
2. Improper use of a motor vehicle	\$125
3. Improper storage of a boat, boat lift, dock, or other equipment	\$125 plus removal costs
4. Improper storage or disposal of material	\$125 plus removal costs
3. Damage or destruction of Municipal Property including trees	\$125 plus restoration costs
4. Damage or modification to ditches	\$125 plus restoration costs
5. Improper use of Municipal Property and all other offences	\$125 plus restoration and/or removal costs