

**BY-LAW #2338/02
OF THE
CITY OF CAMROSE
PROVINCE OF ALBERTA**

**A BY-LAW OF THE CITY OF CAMROSE TO REGULATE THE USE
OF STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY
WITHIN THE CITY OF CAMROSE.**

- WHEREAS The Highway Traffic Act, R.S.A. 2000, Chapter H-8 provides that the Council of a municipality may make By-Laws for controlling and regulating the use of all highways, sidewalks and other public places;
- AND WHEREAS The Municipal Government Act, R.S.A. 2000, Chapter M-26 provides that a municipality has the direction, control and management of all roads within the municipality, and may pass By-Laws respecting people, activities and things in, on or near a public place or place that is open to the public;
- AND WHEREAS It is deemed necessary and expedient by the Council of the City of Camrose to pass a By-Law regulating the use of all highways, sidewalks, public parks and other public property within the City of Camrose;
- NOW THEREFORE the Municipal Council of the City of Camrose, in Council, duly assembled, enacts as follows:

PART 1 - DEFINITIONS

- 101 This By-Law may be cited as ***“The Camrose Public Property By-Law”***.
- 102 In this By-Law:
- (1) “Alley” means a roadway located at the rear or side of a lot and includes all City owned property on each side of such roadway from the property line on one side of said roadway to the property line on the opposite side of the roadway.
 - (2) “Boulevard” means that portion of a street which is not intended for use as a roadway or sidewalk.
 - (3) “City” means the Corporation of the City of Camrose, or the corporate limited of the City of Camrose, or any employee, official or agent of the City of Camrose, as the context requires.
 - (4) “City Engineer” means a Municipal Official designated by Council as a City Engineer, or anyone appointed to act in his stead.
 - (5) “Council” means the Municipal Council of the City of Camrose.
 - (6) “Enforcement Officer” means a peace officer or any person appointed by Council to enforce any provision of this By-Law.
 - (7) “Excavate” means any digging, ditching, trenching or tunnelling.
 - (8) “Permit” means permission given, in writing, by a Municipal Official, or anyone appointed to act in his stead, authorizing a person to carry on a specified activity within the City of Camrose.
 - (9) “Person” includes any association, or body corporate, or company or partnership or any individual person.
 - (10) “Public Park” means any land designated in Schedule “A” of the Camrose Land Use By-Law as “P - Park District” or “M.R. - Municipal Reserve” and includes any grassed or wooded area or playground owned or maintained by the City.
 - (11) “Public Property” means any building, or land, or system, or thing owned by the City.
 - (12) “Roadway” means that part of a street that is intended for use by vehicular traffic.
 - (13) “Sidewalk” means any walkway or path or route used, or intended for use, by pedestrians and is situated on City owned land.

- (14) "Street" means and includes any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley or other place owned or maintained by the City, which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes all the land from the property line on one side of such place to the property line on the opposite side of the said place.
- (15) "Harassed" includes, but is not limited to, tormented, troubled, worried, plagued, or badgered; and ¹
- (16) "Minor" means an individual under eighteen (18) years of age.¹

PART 2 - RULES OF CONDUCT

201 **Obstruct Persons**

No person shall walk or run or stand or sit or lie upon any street or sidewalk in such a manner as to cause a nuisance or obstruct other persons or vehicular traffic using such street or sidewalk.

202 **Cause Assembly**

No person shall, without a permit, promote or cause an assembly on any street or sidewalk or other public property by preaching, or public speaking, or offering goods for sale, or providing any entertainment.

203 **Parades**

No person shall, without a permit, hold or conduct any parade or procession or demonstration on any street or other public property, except that this section shall not apply to a funeral procession.

204 **Games on Roads**

No person shall without a permit, participate in any game or sport upon any roadway in the City.

205 **Throw Or Project Object**

No person shall without a permit, on any public property, throw or hurl or in any way project any missile or object that may cause injury to any person or damage to any property, except that this section shall not apply to a bona fide recreational program authorized or approved by the City.

206 **Damage Property**

No person shall damage or deface or in any way tamper with any public property.

207 **Disorderly Conduct**

No person shall, in any playground, or public park, or recreation facility or street or other public property owned or maintained by the City behave in a boisterous or disorderly manner, that may annoy or disturb any other person.

208 **Eject Disorderly Person**

Any person who fails to comply with any rule or regulation imposed for the orderly management of any playground or public park or public property or recreation facility may be ejected from such place by any peace officer, or city employee charged with the management of said place, and such person may use any reasonable force necessary to effect such ejection.

209 **Harassment of a Minor**

No person shall, in any public place or any place to which the public has reasonable access, repeatedly communicate, either directly or indirectly, with any minor in a way that causes the minor, reasonable in all the circumstances, to feel harassed. ¹

PART 3 - USE OF STREETS AND SIDEWALKS

301 **Deposit Matter on Streets or Sidewalks**

No person shall, without a permit, deposit or place upon any sidewalk or street any soil, or clay, or brick, or gravel, or mud, or dirt, or debris, or concrete, or conglomerate, or matter of any kind which may be a nuisance.

302 **Thing or Substance on Street or Sidewalk**

- (1) No person shall without a permit place upon or across or over any sidewalk or street any thing or substance which could interfere with the safe or convenient access by pedestrian or vehicular traffic and without restricting the generality of the foregoing, "thing or substance" shall include any building materials, or gates or signs, or cords or cables, or wire, or chains, or ropes, or tubes or pipes.

Electric Cords Across Street or Sidewalk

- (2) No person shall place upon or over or across any sidewalk or street any cord or cable or wire that may be used for the purpose of conducting electric current to an electrical appliance on or near a motor vehicle or trailer.

Surface Drainage

- (3) No person shall direct surface drainage from sump pumps or roof drains to discharge onto sidewalks, streets or lanes resulting in ice build up and creating a safety hazard.

303 **Excavations**

No person shall, without an excavation permit, excavate upon any street or sidewalk or other public property.

304 **Remove Soil**

No person shall, without a permit, remove from public property any soil or sand or gravel.

305 **Damage Street or Sidewalk**

No person shall without a permit, cause damage or modifications to any street or curbing or sidewalk by pounding, hammering, picking or chiselling, or depositing any chemical or substance thereon.

306 **Use Machine Causing Damage to Streets**

No person shall, without a permit, operate upon any street or sidewalk any vehicle or machine which is liable to cause damage to such street or sidewalk.

307 **Skid Equipment**

No person shall drag or skid any equipment or machinery or structure along or across any sidewalk or street.

308 **Construct Driveway**

No person shall create or construct a driveway along or across any boulevard or sidewalk without having first obtained a permit.

309 **Interfere with Signs**

No person shall remove or damage or deface or in any way interfere with any sign or notice or signal or barricade or flare or reflector placed on public property.

310 **Burn Material**

No person shall, without a permit, burn, or cause to be burned, any matter or material on any street or other public property.

311 **Horses and Livestock**

No person shall, without a permit, ride, or lead or drive a horse or any livestock on any boulevard or sidewalk or public property other than roadways.

312 **Signs on Public Property**

- (1) No person shall, without a permit, place any sign or notice or structure or object of any kind on public property.
- (2) Notwithstanding sub-section (1) temporary garage sale directional signs may be permitted (without a permit) within two blocks of the garage sale site.
- (3) Any sign or notice or structure or object found on public property may be forthwith removed by City employees and disposed of without notice or warning to the owner thereof.

313 **Display Goods**

No person shall without a permit place or display any goods or merchandise or other thing, on any street or sidewalk or public property, for the purpose of selling or renting or advertising such goods, or thing.

314 **Drain Vehicle on Street**

No person shall deposit any oil or grease or fuel or antifreeze or any liquid, which has been or is being drained from a vehicle upon any street or sidewalk or public property within the City.

315 **Repair Vehicle on Street**

No person shall, except in a case of emergency, repair or service a vehicle upon any street in the City.

PART 4 - USE OF PUBLIC PARKS

401 **Operate Vehicle in Public Park**

- (1) No person shall, without a permit, operate or park a motor vehicle in any public park or any public property unless a sign, authorized by the City Manager, has been placed by the City to permit access or parking, as indicated by the sign.
- (2) No person shall, without a permit, operate or park an off-highway vehicle in any public park or any public property.

402 **Camping in Public Park**

No person shall, without a permit, camp, or place a tent or recreation vehicle, in any public park, except in a camping area provided for that purpose.

403 **Concert on Public Property**

No person shall, without a permit, commence or hold any concert, or contest, or festival, or event of any kind upon any public property.

PART 5 - PERMITS

501 **Contract with City**

- (1) Every person who acquires a permit from the City shall be deemed to have entered into a contract with the City and shall be legally bound to comply with all the terms and conditions thereof.

Fail to Comply with Permit

- (2) Every person who fails to comply with the terms and conditions of a permit or who fails to obtain a permit shall be liable for any costs and expenses and charges incurred by the City to remedy any condition that such permit holder has failed to comply with.

Offense

- (3) Every person who fails to comply with the conditions of a permit issued under this By-Law or who fails to obtain a permit is guilty of an offense.

502 **City Engineer**

The City Engineer, or any person appointed to act in his stead, may issue permits, where required, under Part 3 of this By-Law.

503 **City Manager**

The City manager, or any person appointed to act in his stead, may issue permits, where required, under Part 2 and Part 4 of this By-Law.

504 **Application for Permits**

- (1) Every person who desires to obtain a permit when required under this By-Law shall make application to a City Official authorized to issue such permit and shall provide all pertinent information requested by said official.

Fee Where Required

- (2) When an application for a permit has been approved, a permit may be issued by the approving authority upon payment to the City of a fee, where required, as specified in Schedule "A" therein.

505 **Parade Application**

Every person desiring to hold a parade or procession or demonstration upon any public property in the City shall, at least ten (10) days before the commencement of such activity, make application for a permit from the City Manager, or his delegate.

506 **Approval of Applications**

All applications for permits under Section 505 and 506 herein shall, before a permit may be issued, be approved by the following City Officials:

- (a) the City Manager, or his delegate, and
(b) the Chief of Police, or his delegate.

507 **Refusal of Permit**

- (1) Any City Official authorized to grant a permit under this By-Law may refuse to grant such permit, if in his opinion it would not be in the best interests of the public to grant said permit and he shall state, in writing, the reasons for such refusal.

Appeal to Council

- (2) In the event that an application for a permit herein has been refused, the applicant may appeal to Council and the decision of Council shall be final.

508 **Parking Signs - Public Parks**

The City Manager may authorize parking or vehicle access in designated areas of public parks and shall cause signs to be posted where such vehicular access or parking is permitted.

509 **Produce Permit**

Every person who has been granted a permit under this By-Law shall forthwith produce such permit for inspection when requested to do so by an Enforcement Officer.

PART 6 - PENALTIES

601 **Minimum Fine**

Any person who contravenes any provision of this By-Law is guilty of an offense and shall be liable on Summary Conviction to a fine of not less than two hundred fifty dollars (\$250.00) or more than ten thousand dollars (\$10,000.00) and in default of payment to be imprisoned for a term not exceeding six (6) months.

602 **Continuing Offenses**

Any person who continues to contravene any provision of this By-Law, after having been issued with a voluntary penalty ticket, or having been advised by an Enforcement Officer that he would be charged with such contravention, and after having been warned of the provisions of this section, is guilty of an offence and is liable on Summary Conviction to a fine of two hundred fifty dollars (\$250.00) for each and every time such offense continues.

603 **Voluntary Penalty**

Notwithstanding any other provisions for penalties in this By-Law, an Enforcement Officer may, in lieu of laying an Information in respect to the alleged breach, issue a voluntary penalty ticket and the accused may within ten (10) days of the issuance of such ticket pay to the City the same monetary penalty as the minimum fine that may be imposed by a court for such breach.

604 **Information**

In the event that an accused fails to pay a voluntary penalty in the time allotted herein, a peach officer may thereafter lay an Information with respect to the offense for which the voluntary penalty ticket was issued.

605 **Certificate Prima Facie Proof**

In any prosecution under this By-Law where it is alleged that a permit had not been obtained by the accused, a certificate, purporting to be signed by a City Official authorized to issue the required permit, stating that a permit had not been issued to the accused shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the signature or appointment of the person signing the certificate.

PART 7 - GENERAL

701 **City Employees Exempt**

No official, or employee, of the City shall be required to obtain a permit while acting on behalf of the City, or carrying on any works or duties as required by the City.

702 Notwithstanding any other provision of this By-Law, horses and livestock may be permitted within the area of the Camrose Regional Exhibition Grounds.

703 By-Law #1353, and amending By-Law #1552, are hereby rescinded.

704 This By-Law shall come into force and take effect on the date it is finally passed.

READ a FIRST time in COUNCIL this 26th day of August, A.D. 2002.

MAYOR.

CITY CLERK.

READ a SECOND and THIRD time in COUNCIL and FINALLY PASSED this 9th day of September, A.D. 2002.

MAYOR.

CITY CLERK.

¹ Amended by By-Law #2426/04

**BY-LAW #2338/02
OF THE
CITY OF CAMROSE
PROVINCE OF ALBERTA**

**The Camrose Public Property By-Law
SCHEDULE "A"**

Permit	Section (s)	Fee
Extraordinary Use of Streets Permit	301, 302, 304, 305, 306, 311, 313	\$10.00
Excavation Permit	303	No Charge
Curb Cut/Driveway Permit	308	No Charge