



County of Wetaskiwin No. 10 BYLAW # 2024/06

A Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta, for the regulation of Municipal Lands, being Conservation Reserve (CR), Community Services Reserve (CSR), Environmental Reserve (ER), Municipal Reserve (MR), Municipal and School Reserve (MSR), and Public Utility Lot (PUL).

WHEREAS, pursuant to Section 7 (a) of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26, and amendments thereto, the County of Wetaskiwin No. 10 may pass Bylaws for the protection and preservation of Municipal Lands.

AND WHEREAS all Municipal Lands in the County are owned or controlled by the County and managed by the County.

AND WHEREAS the management of Municipal Lands by the County is intended to protect the natural environment and provide a safe and suitable land base for the provision of recreation facilities, where suitable, for the use and enjoyment of existing and future County residents, developers, and the general public.

NOW THEREFORE the Council of the County of Wetaskiwin No. 10, in the Province of Alberta, duly assembled, hereby enacts the following:

PART 1 - TITLE

1. This Bylaw shall be cited as the “**Municipal Lands Bylaw.**”

PART 2 - DEFINITIONS

2. ‘**Clear-Cutting**’ means the felling and removal of all or most of the trees and brush from a given tract of land.
3. ‘**Conservation Reserve**’ (**CR**) means the land designated under Part 17 of the *MGA*.
4. ‘**Community Services Reserve**’ (**CSR**) means the land designated under Part 17 of the *MGA*.
5. ‘**Development Authority**’ means the designated officer or body appointed by Council to exercise development powers and perform duties on behalf of the County.
6. ‘**Enforcement Officer**’ means:
 - a) Members of the Royal Canadian Mounted Police;
 - b) Community Peace Officers as appointed under the *Peace Officers Act*;
 - c) Bylaw Enforcement Officers who are authorized to enforce County of Wetaskiwin Bylaws; and
 - d) The Chief Administrative Officer (CAO) or their designate.
7. ‘**Environmental Reserve**’ (**ER**) means the land designated under Part 17 of the *MGA*
8. ‘**Litter**’ means any solid or liquid material or product or combination of solid or liquid materials or products that have been left lying on the ground in public places, including, but not limited to:
 - a) Any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or part of an animal carcass;
 - b) The whole or part of any article, raw or unprocessed material, motor vehicle or other machinery, which is disposed of;
 - c) Any dirt, gravel, rock, sand, rubble, or clean fill; or
 - d) Any other material or product that is designated as litter in the *Environmental Protection and Enhancement Act*, and the Regulations thereunder.
9. ‘**Motor Vehicle**’ means a motorized vehicle as defined in the *Traffic Safety Act*, RSA 2000, C T-6, as amended.
10. ‘**Municipal Land**’ means a parcel of land or a part of a parcel of land owned by the County or land in which the County is in the process of acquiring and does not include lands designated for public use including but not limited to campgrounds. Such lands include but



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are not limited to lands designated as Community Services Reserve, Conservation Reserve, Environmental Reserve, Municipal Reserve, School Reserve, Municipal and School Reserve, or Public Utility Lots.

11. **'Municipal Reserve' (MR)** means the land designated under Part 17 of the *MGA*.
12. **'Municipal and School Reserves' (MSR)** means the land designated under Part 17 of the *MGA*.
13. **'Off-Highway Vehicle'** means vehicles as defined in the *Off Highway Vehicle Regulation* AR139/2002, as amended.
14. **'Permit'** means a written authorization issued to a person pursuant to approval granted by the County in respect to activities on Municipal Lands, Reserves, or Structures.
15. **'Person'** means an individual, group of persons, a firm, partnership, or corporate body with the exception of County employees, agents or contractors engaged in work on behalf of the County.
16. **'Public Utility Lot' (PUL)** means the land required to be given under Part 17 of the *MGA* for Public Utilities.
17. **'Reserve Land'** means the term used in this Bylaw to describe lands in an Environmental Reserve, Conservation Reserve, Municipal Reserve, Community Services Reserve, School Reserve or Municipal and School Reserve.
18. **'Strict Liability'** means a person is responsible for the damage and loss caused by their acts and omissions, regardless of culpability.
19. **'Structure'** means any man-made building or physical man-made feature with the exception of approved docks and/or other such mooring structures.
20. **'Summary Conviction'** means offences tried by the Alberta Provincial Court, with a maximum penalty of \$5,000.00 and are appealed to the Court of King's Bench or the Superior Court in the appropriate jurisdiction instead of the Court of Appeal.
21. **'Unauthorized Use'** means any use which falls under Part 4 - Offences on any Municipal Lands without a valid permit.
22. **'Violation Ticket'** means a ticket issued to Part 2 or Part 3 of the *Provincial Offences and Procedures Act*, RSA 2000, C. P-34.
23. **'Written Notice to Comply'** means a written warning issued by the Development Authority, informing of a violation occurrence, and required compliance actions the responsible party must undertake, including timelines to complete, and potential consequences for failure to remedy.

PART 3 - STRICT LIABILITY

24. All offences created by this Bylaw are interpreted to be Strict Liability Offences.

PART 4 - OFFENCES

25. **No person shall, on any Municipal Lands, without a written authorized Permit:**
 - a) Sell or offer for sale any article of food, drink, or merchandise, or carry on any business;
 - b) Create a trail;
 - c) Permit any livestock to graze;
 - d) Discharge firearms, fireworks, rockets, or other such projectiles;
 - e) Hunt or trap any animal;
 - f) Dig, unearth, or remove any natural feature or County man-made structure, or affix to the ground, or erect any temporary or permanent, man-made structures, signs, flags, bulletins, posts, poles, or advertising devices of any kind, or attach any



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notice, bill, poster, wire, cord, or any substance containing adhesive to any tree, or permitted structure, fence, railing, or post.

26. No person shall, on any Municipal Lands, under any circumstances:

- a) Obstruct an Enforcement Officer in the performance of their investigation and lawful authority to enforce this Bylaw;
- b) Fail to produce a valid Permit at the request of an Enforcement Officer in a reasonable amount of time;
- c) Conduct any unreasonable activity, which unduly causes interference or disturbs the rights of others in their quiet and peaceful enjoyment;
- d) Place or install any utility service or lighting;
- e) Cause an injury of permanence or lasting material impact that negatively affects the growth of any vegetation or naturally occurring plant life by clear-cutting, pruning, trimming, manicuring, mowing, landscaping vegetation or naturally occurring plant life outside of an approved trail;
- f) Deposit or discard any Litter outside of an approved waste receptacle;
- g) Discharge contaminants including but not limited to solid or liquid waste, sewage, or refuse, nor any fuel, herbicides, and fertilizers;
- h) Light any outdoor fire outside of a County established firepit or a CSA approved portable campfire apparatus that runs on propane and is intended for day use;
- i) Store any private property, or
- j) Camp or take occupancy.

PART 5 - TRAIL CREATION

27. For the purpose of creating a trail, no removal or destruction of trees or vegetation, or disturbance of soil, is allowed to occur on a Municipal or Environmental Reserve unless written approval is provided by the Development Officer, and to a maximum of:

- i) 2.0 metres (6.5 feet) in width and only for pedestrian access from the edge of the lot of the upland landowner to a water feature.
- ii) 6.0 metres (20 feet) of the edge of a water feature, except to provide pedestrian access up to the edge of the water feature and only to a maximum of 2.0 metres (6.5 feet) of the frontage.

28. If access to water is required for a boat launch or boat lift, written approval is required in advance.

29. No motorized equipment or machinery is allowed to create trail access except the use of chainsaw equipment designed for this purpose.

30. The creation of a Community Walking Trail on a Municipal or Environmental Reserve shall be generally orientated to run parallel between private property lines and the shoreline of the waterbody to a maximum width of 2 metres (6.5ft) and shall only be approved by Council.

PART 6 - EXEMPTIONS

31. The following shall be exempt from the provisions of this Bylaw:

- a) Vehicles and equipment required by the County or a contractor with a valid permit issued by the County to perform basic services, repairs, or maintenance, or requiring access to adjacent lands, or
- b) Emergency vehicles as defined in the *Traffic Safety Act*.

PART 7 - RECLAIMED PROPERTY

32. If property is taken and held in storage by the County, the storage fees owing shall be charged as set out in Appendix "B";

33. The owner of any property removed from any Municipal Lands may apply to reclaim their property with payment to the County for fees owing as set out in Appendix "B", and



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34. If property is taken and held in storage at a third-party commercial storage facility, the fees charged shall be the sole responsibility of the owner.

PART 8 - DISPOSAL OF PROPERTY

35. The County shall not sell, destroy, or otherwise dispose of property removed from Municipal Lands for thirty (30) days from the date of removal;
36. In accordance with the *MGA*, if property is not claimed within thirty (30) days, it becomes the property of the County, and the County may only dispose of the property at a public auction; and
37. A prior owner of unclaimed property is entitled to the proceeds of the auction sale, less all expenses incurred by the County, only if the prior owner makes a claim, in writing to the County, within ninety (90) days of the date of sale.

PART 9 - ENFORCEMENT

38. An Enforcement Officer may investigate any complaint and enforce any part of this Bylaw within the County corporate boundary.
39. An Enforcement Officer may, in their sole discretion, issue a verbal or written warning prior to issuing a monetary offence or penalty, listed in Appendix "A", if contravention of any provision in this Bylaw is deemed minor and not permanent.
40. 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 a person by issuing a Violation Ticket or a Written Notice to Comply to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the *MGA*; and
41. Where an Enforcement Officer issues a person an Order to Comply, the Officer shall:
- Identify the Unauthorized Use;
 - Direct the person to act or take measures necessary to remedy the Unauthorized Use, including but not limited to, the restoration of the Municipal Lands to a natural state;
 - State the time within which the person must fulfill the Order to Comply; and
 - State that if the person does not abide by the Order to Comply in a specified time, the County may act or take measures at the expense of the person.

PART 10 - GENERAL PENALTY PROVISION

42. Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding the maximum fees and penalties outlined in Appendix "A" and may further be subject to the costs of prosecution.
43. Respecting Section 41, violations will be accompanied by the appropriate fee identified in the Offences and Penalties described in Appendix "A".
44. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out under the Penalties in Appendix "A".
45. The levying and payment for any fine provided in Appendix "A" shall not relieve any person from compliance of this Bylaw.
46. No provision of this Bylaw, nor any action taken pursuant to any provision of this Bylaw, shall restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to the premises provided by the *MGA*, or any other law in the Province of Alberta.

PART 11 - MINIMUM AND SPECIFIED PENALTIES

47. The minimum and specified penalty for violation of any provision of this Bylaw is set out in Appendix "A";



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- 48. The levying and payment of a fine or the imprisonment for any period in this section shall not relieve a person from the necessity of paying any fees, charges, or costs for which the person is liable under the provisions of this Bylaw;
49. A Provincial Judge or Commissioner, in addition to penalties, may if they consider the offence sufficiently serious, direct, or order restoration of the affected land, or order compensation to be paid to the County as a result of costs incurred by the County for restoration; and
50. When a clerk of a Provincial Court records the receipt of a voluntary payment, pursuant to this Bylaw and the Provincial Offences Procedures Act, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty paid.

PART 12 - VIOLATION TICKETS

- 51. Notwithstanding anything in this Bylaw, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket, pursuant to Part 2 or Part 3 of the Provincial Offences Procedure Act, SA 2000, C. P-34 to any person who the Officer has reasonable grounds to believe has contravened any provision of this Bylaw;
52. A Violation Ticket shall be in a form approved by the County, and shall state:
a) The name of the person;
b) The offence;
c) The appropriate penalty for the offence as set out in Appendix "A";
d) That the penalty shall be paid within thirty (30) days of the issuance of the Violation Ticket, and
e) Any other information the County deems pertinent.
53. Where an Enforcement Officer issues a person a Violation Ticket, the Officer may either:
a) Allow the person to pay the specified penalty as indicated on the Violation Ticket, or
b) Require a court appearance of the person where the Enforcement Officer believes that such an appearance is in the public interest, pursuant to the provisions of Part 2 and Part 3 of the Provincial Offences Procedure Act.

PART 13 - SEVERABILITY

- 54. 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 shall remain valid and enforceable.

PART 14 - REPEAL

- 55. That Bylaw # 2018/53 is hereby repealed in its entirety.

PART 15 - EFFECTIVE DATE

- 56. This Bylaw shall come into force and take effect upon the date of Third and Final Reading.

READ for the FIRST TIME this 7TH day of May, A.D., 2024
READ for the SECOND TIME this 7TH day of May, A.D., 2024
READ for a THIRD and FINAL time this 7TH day of May, A.D., 2024

ORIGINAL SIGNED

COUNTY REEVE Josh Bishop

ORIGINAL SIGNED

CAO Scott MacDougall



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APPENDIX "A"

OFFENCES AND PENALTIES				
SECTION	Description of Offence (occurring on Municipal Lands)	In lieu of Prosecution		Subsequent or Continuing Offence
		First Offence	Second (within 1 year of the First Offence)	
Part 4 - Section 25: No person, on any Municipal Lands, shall, without a written authorized Permit:				
25 (a)	Sell or offer for sale any article of food, drink, or merchandise, or carry on any business.	\$250.00	\$500.00	\$750.00
25 (b)	Create a trail.	\$500.00	\$750.00	\$1,000.00
25 (c)	Permit any livestock to graze.	\$500.00	\$750.00	\$1,000.00
25 (d)	Discharge firearms, fireworks, rockets, or other such projectiles.	\$750.00	\$1,000.00	Court
25 (e)	Hunt or trap any animal.	\$500.00	\$750.00	\$1,000.00
25 (f)	Dig, unearth, or remove any natural feature or County man-made structure, or affix to the ground, or erect any temporary or permanent, man-made structures, signs, flags, bulletins, posts, poles, or advertising devices of any kind, or attach any notice, bill, poster, wire, cord, or any substance containing adhesive to any tree, or permitted structure, fence, railing, or post.	\$750.00	\$1,000.00	Court
Part 4 - Section 26: No person, on any Municipal Lands, shall under any circumstances:				
26 (a)	Obstruct an Enforcement Officer in the performance of their investigation and lawful authority to enforce.	\$500.00	\$750.00	\$1,000.00
26 (b)	Fail to produce a valid Permit at the request of an Enforcement Officer.	\$250.00	\$500.00	\$750.00
26 (c)	Conduct any unreasonable activity, which unduly causes interference or disturbs the rights of others in their quiet and peaceful enjoyment.	\$250.00	\$500.00	\$750.00
26 (d)	Place or install any utility service or lighting.	\$750.00	\$1,000.00	Court
26 (e)	Cause an injury of permanence or lasting material impact that negatively affects the growth of any vegetation or naturally occurring plant life by clear-cutting, pruning, trimming, manicuring, mowing, landscaping vegetation or naturally occurring plant life outside of an approved trail.	\$750.00	\$1,000.00	Court
26 (f)	Deposit or discard any litter outside of an approved waste receptable.	\$750.00	\$1,000.00	Court
26 (g)	Discharge contaminants including but not limited to solid or liquid waste, sewage, or refuse, nor any fuel, herbicides, and fertilizers.	\$750.00	\$1,000.00	Court
26 (h)	Light any outdoor fire outside of a County established firepit or a CSA approved portable campfire apparatus that runs on propane and is intended for day use.	\$500.00	\$750.00	\$1,000.00
26 (i)	Store any private property.	\$250.00	\$500.00	\$750.00
26 (j)	Camp or take occupancy.	\$250.00	\$500.00	\$750.00
Part 5 - Section 27 - Trail Creation				
27 (i)(ii)	Unauthorized removal or destruction of trees or vegetation or soil disturbance.	\$250.00	\$500.00	\$750.00
30	Create unauthorized Community Walking Trail	\$500.00	\$750.00	\$1,000.00



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APPENDIX "B"

RECLAIMED PROPERTY FEE – Payable to the County		
Section	Description	Fee
28	Property that is taken into custody or control and held at a County storage facility.	\$200.00

