

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #006-21

A Bylaw of the City of Chestermere, in the Province of Alberta, to provide for the management of City beaches and lakefront recreational areas.

WHEREAS section 8(c) of the MGA allows council to provide for a system of licences, permits or approvals including any or all of the following:

- i. establishing fees for licences, permits and approvals, including fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;
- ii. establishing fees for licenses, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;
- iii. prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted;
- iv. providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them;
- v. setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them;
- vi. providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the Bylaw or for any other reason specified in the Bylaw;

AND WHEREAS Chestermere's beaches and recreation areas are an important amenity to the City and the surrounding area and wishes to regulate, maintain and control the City's beaches and waterfront recreation areas and collect sufficient revenue to pay for operating and capital expenditures attributable to the beaches and recreation areas.

AND WHEREAS Chestermere desires to establish a system of permits and fees for permits for the use of Chestermere's beaches and recreation areas.

And WHEREAS the City shall implement all reasonable and applicable recommendations from the Alberta Safe Beaches Protocol to ensure the proper management and health and safety of Lake and beach users.

AND WHEREAS the Municipal Government Act, RSA 2000, c M-26 and amendments thereto provides that a Municipal Council may pass bylaws on matters related to the safety, health and welfare of people and property, as well as people and activities on or near places that are open to the public;

NOW THEREFORE the Municipal Council of the City of Chestermere, Alberta hereby enacts as follows:

1. TITLE

- a) This Bylaw may be cited as the “Temporary Beaches and Recreational Areas Near Water Bylaw”

2. DEFINITIONS

In this Bylaw,

- a) “beach and recreational area near water” means the following beach and recreational areas near water within the City that are clearly demarcated:
 - i. Anniversary Park and Beach;
 - ii. Cove Park and Beach;
 - iii. Sunset Park and Beach;
 - iv. Municipal Off-Leash Area; and
 - v. John Peake Park.
- b) “CAO” means the Chief Administrative Officer of the City;
- c) “City” means, as the context requires, the municipal corporation of the City of Chestermere or the area within the municipal boundaries of the City of Chestermere;
- d) “infant fee” means the fee for a person who is under the age of 3 years;
- e) “non-resident” means any person attending any City of Chestermere beach and recreational area near water who does not have a residence in the City of Chestermere;
- f) “peace officer” means a member of a police service or a peace officer appointed pursuant to the *Peace Officer Act*, SA 2006, c P-3.5, as amended or replaced;
- g) “proof of payment” means any wristband, receipt, or other formal documentation issued by the City to non-residents of the City of

Chestermere indicating that proper payment has been made as per this Bylaw for entry into and use of any of the City's demarcated and access-controlled beaches or recreational areas near water;

- h) "proof of permission to access" means any wristband, receipt, other formal documentation issued by the City, for the purposes of accessing the City of Chestermere beaches and recreational area near water, to any resident who has provided proof of residency or has been vouched for by an adult resident, or to any non-resident of the City of Chestermere who has paid the prescribed fee and received a proof of payment, which for non-residents may be same as proof of permission to access;
- i) "proof of residency" means one or more of the following documents showing the name of the person and residential address within the City:
 - i. valid government issued identification, such as a driver's license or ID card;
 - ii. mail postmarked or dated within the last 90-days, such as an Alberta Health Care Statement, telephone, utility or cable bill, paystub, lease or rental agreement, letter from an employer, or bank statement;
 - iii. School ID;
 - iv. Other pieces of identification authorized by the CAO;
 - v. An adult resident of the City of Chestermere, willing to attest and vouch for another person's residency in the City of Chestermere.
- j) "regular fee" means the fee for a person who is over the age of 15 years;
- k) "resident" means a person who ordinarily resides within the City of Chestermere and has proof of residency or has been vouched for by an adult resident;
- l) "specified penalty" means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a court appearance;
- m) "youth fee" means the fee for a person who is 3 years of age or older, but not older than the age of 15 years.

3. PROOF OF PERMISSION TO ACCESS WHEN REQUIRED

- a) No person shall enter or use or be upon any demarcated and access controlled beach and recreational area near to water without having first acquired and then have in the person's possession a proper and effective proof of permission to access to enter and use the beach or recreational area near water, which shall be worn or carried conspicuously by the person during said use, so that it is visible at all times and shall be presented on demand to a duly authorized representative of the City, bylaw enforcement officer or peace officer.
- b) No person shall falsify proof of residency or proof of permission to access or falsely attest or vouch for another person for the purpose of obtaining entry or use of a beach or recreational area near water.
- c) Any person without, or failing to present when requested by a duly authorized representative of the City, bylaw enforcement officer or peace officer, the required proof of permission to access shall be asked to leave the beach or recreational area near water location. Any person who falsifies proof of residency or proof of permission to access or falsely attests or vouches for another person shall be asked to leave the beach or recreational area near water. Failure to leave may result in a fine.
- d) The CAO has the authority and power to design and issue proof of payment and proof of permission to access, such as wristbands, receipts, or other formal documentation.
- e) The CAO has the authority and power to restrict access to beach and recreational areas near water in circumstances where there is a requirement to manage the safety, health and welfare of people and property, as well as people and activities on or near places that are open to the public;

4. FEES

- a) Daily access fees to beach and recreational areas near water, shall be approved by the CAO under circumstances when fees or permits are required to protect the safety, health and welfare of people and property.

5. EXCEPTIONS

- a) No fees will be charged or collected from a resident who presents a proof of residency or is vouched for by an adult resident.

- b) For the purposes of Section 5(a), proof of residency is waived for any youth or infant accompanied by an adult resident.
- c) From time to time, the CAO, acting reasonably, may waive the payment and collection of fees due to inclement weather, low occupancy, or other extenuating circumstance as deemed by the CAO.

6. TERMS AND CONDITIONS OF ENTRY AND USE

- a) No person shall use a BBQ, hibachi, portable stove or other cooking apparatus on or in any beach and recreation area near water, unless it is in an authorized fire pit or other receptacle intended for such use, and provided by the City.
- b) No person shall engage in any conduct that may harm the health or safety of a person or animal, or damage or destroy property on or in any beach and recreation area.
- c) All persons must obey any City signage posted at or on the beach and recreational area near water.
- d) All persons must follow Alberta Chief Medical Officer of Health active public health orders which establish legal requirements for quarantine and isolation related to the COVID-19 virus, as well as all public safety swimming and water quality advisories.
- e) In order to enforce this Bylaw or any order of the CAO under Section 10 of this Bylaw, a Peace Officer or authorized City employee has the authority to direct or order a person or persons to exit any City of Chestermere beach, park, municipal boat launch and lakefront open space including properties in recreational areas owned by the Western Irrigation District, and any person so directed or ordered shall comply with such direction or order.

7. ANNUAL REPORT

- a) The CAO (or designate) shall provide Council with a public report with details on the 2021 operational season and recommendations as to whether this bylaw ought to be modified, continued or repealed. This report from the CAO shall be presented to Council no later than January 29, 2022.

8. SUNSET PROVISION

- a) For the purpose of ensuring this Bylaw is reviewed for ongoing relevancy and necessity, this Bylaw expires on December 31, 2021.

9. REVOCATION

- a) The City reserves the right to revoke beach and recreational area near water privileges, without any reimbursement, and confiscate proof of permission to access from a person who violates this Bylaw, Community Standards Bylaw 004-12, as amended, or any other bylaw or law.
- b) Such revocation and confiscation shall not preclude the imposition of other penalties provided for such violation, conduct or failure to obey.

10. OFFENCE

- a) Every person who contravenes any of the provisions of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do is guilty of an offence.
- b) Where a peace officer believes that a person has contravened any provision of this Bylaw, the peace officer may commence proceedings against the person by issuing a violation ticket in accordance with the *Provincial Offences Procedures Act*, RSA 2000, c P-34.
- c) This section will not prevent a peace officer from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Act* or from laying an information instead of issuing a violation ticket.
- d) The specified penalty for any offence under this Bylaw is a fine of \$250.00.

11. GENERAL

This Bylaw shall take effect on the day which it is finally passed.

Upon Passing of this Bylaw, Bylaw 026-20, being the Beaches and Recreational Areas Near Water Fees Bylaw and all amendments thereto, are hereby repealed.

READ A FIRST TIME this 6th day of April, 2021.

READ A SECOND TIME this 6th day of April, 2021.

READ A THIRD TIME this 6th day of April, 2021.

Resolution Numbers –

115-21

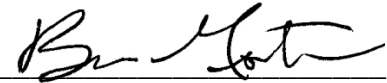
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MAYOR



CAO