

## BYLAW NO. PI5/02

### **A Bylaw of the Town of Gibbons in the Province of Alberta To Provide For The Implementation and Provisions For Park Hours**

**WHEREAS**, under the provisions of Part 2, Division 1, Section 7 of the Municipal Government Act of Alberta being Chapter M-26 RSA 2000 and amendments thereto, the Council of the Town of Gibbons has the authority to pass such bylaw.

**AND WHEREAS**, the Council of the Town of Gibbons is of the opinion that it would be in the best interest of the residents of the Town of Gibbons that a bylaw be passed to regulate the time after which all individuals shall not be in a public park during the night.

**NOW THEREFORE**, the Council of the Town of Gibbons duly assembled enacts as follows:

#### Section 1 – Title

- (a) This bylaw may be cited as the “Parks Hours Bylaw”

#### Section 2 – Definitions

- (a) “Peace Officer” means a member of the Royal Canadian Mounted Police or a Special Constable for the Town of Gibbons.
- (b) “Public Park” means any place in which the public has access and which the Town of Gibbons has designated as a park.

#### Section 3 – Infractions

- (a) No person shall be in a public park in the Town of Gibbons after the hour of 11:00 p.m. on any day and before the hour of 6:00 a.m. on the following day unless special permission is granted by the Town of Gibbons.
- (b) No person shall unnecessarily loiter during park hours so as to disturb the comfort, repose or enjoyment of other users of the park or adjoining residential areas.

#### Section 4 – Penalty Provisions

- (a) Any person found in a designated park area after the prescribed hours shall be removed from the park area by any peace officer or person(s) duly authorized by the Town of Gibbons.
- (b) Any person found loitering, as per section 3(b) shall be removed from the park area by any peace officer or person(s) duly authorized by the Town of Gibbons.

Section 5 – Penalties

- (a) The Peace Officer is hereby authorized and empowered to issue an “Official Tag” or “Violation Ticket” to any person who has committed or is committing an offense under this Bylaw.
- (b) The “Official Tag” shall
  - i) specify the alleged offense committed by the person to whom the “Official Tag” is issued; and
  - ii) require payment within thirty (30) days from the date of issue in the amount as specified in accordance with the offense in “Schedule A”.
  - iii) if the fine specified on an “Official Tag” is not paid within the prescribed time period, then the Peace Officer is hereby authorized and empowered to lay a complaint and issue a summons by means of a “Violation Ticket”.
- (c) The “Violation Ticket” shall be in the form prescribed by Alberta Regulation 233/89, as amended, being the Violation Ticket Regulations passed pursuant to the Provincial Offense Procedures Act.
- (d) The “Official Tag” or “Violation Ticket” shall be served upon the alleged offender personally or by single registered mail.
- (e) Where contravention of this Bylaw is of a continuing nature, further “Official Tags” or “Violation Tickets” may be issued by the Peace Officer.

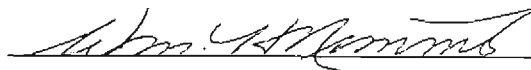
Section 6 – Effective Date

- (a) This Bylaw comes into effect on the third and final reading and signing thereof.

Section 7 – Severability Provision

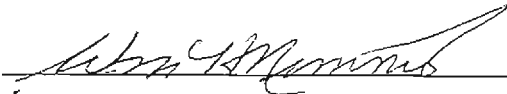
- (a) Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

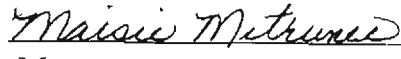
Read a first time this 9<sup>th</sup> day of October 2002.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Manager

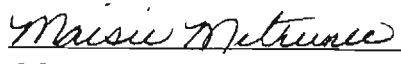
Read a second time this 13<sup>th</sup> day of November 2002.

  
Mayor

  
Manager

Read a third and final time this 13<sup>th</sup> day of November 2002.

  
Mayor

  
Manager

Disclaimer

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**Bylaw No  
Schedule "A"**

**Penalties**

|              | First Offense | Second & Subsequent<br>Offence |
|--------------|---------------|--------------------------------|
| Section 4(a) | \$100.00      | \$250.00                       |
| Section 4(b) | \$100.00      | \$250.00                       |