



TOWN OF
PEACE RIVER
ALBERTA

TOWN OF PEACE RIVER Request for Decision

To:	Mayor & Council	Meeting Date:	March 11, 2024
Presenter:	Tanya Bell, Director of Community Services	Prepared By:	T. Bell
Topic:	Camping Bylaw	File No.:	BWF2151
Attachments:	Bylaw No. 2151 – Camping Bylaw		

Issue

Presentation of new Camping Bylaw for consideration for first reading.

Background

The purpose of the bylaw is to provide a mechanism to enforce no camping on town property.

The Town has seen a significant increase in unauthorized camping in public areas, such as parks and green spaces. The community and Town staff have concerns in relation to the increased number of negative and unsafe interactions with individuals/groups in the community. Town Parks staff had to remove several encampments in local parks last year, including an individual that set up in the water park and another at the 12 Foot Davis Events Park.

The Town does not currently have a bylaw that prohibits camping on Town property, which is required for the legal enforcement of this issue. The proposed bylaw would allow RCMP and/or Peace Officers to assist with the removal of individuals or groups of individuals camping in public spaces.

The proposed bylaw was reviewed by Council at Governance and Priorities meetings on November 6th, 2023 and March 4th, 2024. Council's feedback has been included in the proposed version for first reading. The bylaw was also reviewed by the Town's legal counsel and their suggested amendments were incorporated.

Option 1: That Council provides first reading of Bylaw No. 2151, Camping Bylaw.

Advantages

Proceeds with the approval process of the proposed bylaw and allows for public advertising.

Disadvantages

None.

Financial Implications

None.

Option 2: Council declines to grant first reading to Bylaw No. 2151, Camping Bylaw.

Advantages

None.

Disadvantages

Does not provide a legal mechanism for Administration or RCMP to enforce no camping on Town property.

Financial Implications

None.

Recommendation

That Council give first reading to Bylaw No. 2151, Camping Bylaw.

Strategic Plan Alignment

Goal: Foster a safe community.



Submitted by: Tanya Bell
Director of Community Services



Approved by: Barb Miller, CPA, CGA, CLGM
Chief Administrative Officer

Date Submitted: March 6, 2024

Date Approved: March 7, 2024

TOWN OF PEACE RIVER
BYLAW NO. ~~XXXX~~2151

BEING A BYLAW OF THE TOWN OF PEACE RIVER IN THE PROVINCE OF
ALBERTA TO REGULATE CAMPING IN PUBLIC PLACES

WHEREAS, the Council of the Town of Peace River deems it expedient to adopt measures to control and regulate camping in public places;

AND WHEREAS, Section 7 of the *Municipal Government Act* authorizes a council to pass bylaws respecting people and the protection of people and property, activities and things in, on, or near a public place;

NOW THEREFORE, the Council of the Town of Peace River, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This Bylaw may be cited as the “Camping Bylaw”.

INTERPRETATION

2. Reference to any statute, regulation, or bylaw in this Bylaw means that statute, regulation, or bylaw as amended or replaced from time to time.

DEFINITIONS

3. In this bylaw:
 - a) “Camp” or “Camping” means the placing, erecting, or use of a tent, Vehicle, Trailer, or other form of temporary or portable shelter for sleeping or human habitation, or under the open sky, whether or not on a temporary basis;
 - b) “Peace Officer” means:
 - i) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*;
 - ii) a person appointed as a Peace Officer pursuant to the *Peace Officer Act*; or
 - iii) a police officer.
 - c) “Public Place” means any land owned or leased by the Town, other than a highway, that the public is ordinarily entitled or permitted to use, whether on payment of any fee or not, and whether or not the custody, care, management or control of such areas or facilities has been delegated to another body or agency, and includes but is not limited to:
 - i) parks, including all lands used for picnic grounds, playgrounds, sports fields, events parks, campground, water park, or any other public open space including all bicycle and hiking trails,
 - ii) parking lots, and

- iii) land developed, used, or managed by the Town for public utilities.
 - d) "Subsequent Offence" means an offence committed by a person within one year after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.
 - e) "Town of Peace River" or "Town" means the municipal corporation of the Town of Peace River in the Province of Alberta, or where the context so requires, the area contained within the boundaries of the Town of Peace River;
 - f) "Violation Tag" means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this Bylaw.
 - g) "Violation Ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act* and the regulations thereunder.
4. The following words shall have the same meaning as set out in the *Traffic Safety Act* and its regulations:
- a) Highway;
 - b) Traffic Control Device;
 - c) Trailer; and
 - d) Vehicle.

CAMPING RESTRICTIONS

5. No person shall Camp on or in any Highway, Town right-of-way or Public Place unless such Camping is done in accordance with:
- a) authorization granted by the Town's Chief Administrative Officer, or designate, in relation to a special event or emergency;
 - b) a permit issued by the Town's Chief Administrative Officer, or designate, pursuant to this or any other applicable Town Bylaw; or
 - c) a sign or Traffic Control Device which indicates that the place may be used for that purpose.
6. No person shall park or stop a Vehicle or Trailer on or in any Highway, Town right- of-way or Public Place for the purpose of sleeping in the Vehicle or Trailer, or sleep in a Vehicle or Trailer so parked or stopped during those times, except where a sign or other Traffic Control Device authorized by the Town indicates that the place may be used for that purpose.

INSPECTIONS AND SEIZURES

7. For the purpose of enforcing this Bylaw, a Peace Office is authorized to:
- a) enter any tent or shelter on or in any Highway, Town right-of-way or Public Place; and/or

- b) seize and impound any item that is used in contravention of this Bylaw.
- 8. A Peace Officer who removes and stores an item pursuant to Section 7 shall not be responsible for any damage that may occur to the item during removal and storage.
- 9. The Town shall dispose of any item seized and impounded pursuant to Section 7 and not claimed within 30 days of seizure.
- 10. Any items seized and impounded in accordance with this Bylaw shall be returned to the owner upon payment of the fee specified in Schedule A.
- 11. Fees charged in accordance with Section 10 shall be in addition to any penalty in lieu of prosecution or imposed upon conviction.

ENFORCEMENT AND PENALTIES

- 12. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this section, and not exceeding \$2,500, and imprisonment for not more than six months for non-payment of a fine.
- 13. Without restricting the generality of section 12 the following fine amounts are established for use on Violation Tags and Violation Tickets if a voluntary payment option is offered:
 - a) \$250 for any offence for which a fine is not otherwise established in this section;
 - b) double these fine amounts (13a) for any Subsequent Offence;
- 14. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. The Violation Tag must specify the fine amount established in this Bylaw for the offence.
- 15. A Violation Tag may be issued to such person:
 - a) either personally;
 - b) by mailing a copy to such person, at their last known address; or
 - c) attached or left on the motor vehicle or property in respect of which the offence is alleged to have been committed.
- 16. The person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 17. If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

18. Notwithstanding section 17 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

19. If a violation ticket is issued in respect of an offence, the violation ticket may:

- a) specify the fine amount established by this bylaw for the offence; or
- b) require a person to appear in court without the alternative of making a voluntary payment.

20. A person who commits an offence may:

- a) if a Violation Ticket is issued in respect of the offence; and
- b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence

make a voluntary payment equal to the specified fine.

21. In the case of a contravention that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw.

SEVERABILITY

22. If any provision in this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed, and all other provisions of this Bylaw shall remain valid and enforceable.

SCHEDULES

23. This Bylaw contains Schedule "A", which forms a part of this Bylaw.

EFFECTIVE DATE

24. This bylaw comes into force on the date it is passed.

READ a first time on _____, 20____.

READ a second time on _____, 20____.

READ a third time on _____, 20____.

Elaine Manzer
Mayor

Signed on _____, 20__

Barbara Miller, CPA, CGA, CLGM
Chief Administrative Officer

Signed on _____, 20__

Schedule "A"
Bylaw XXXX

Fees

Storage Fee: \$10.00/day