

1974 Bill 33

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 33

The Provincial Parks Act, 1974

THE MINISTER OF LANDS AND FORESTS

First Reading

Second Reading

Third Reading

BILL 33

1974

THE PROVINCIAL PARKS ACT, 1974

(Assented to _____, 1974)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. In this Act,

- (a) "Director" means the Director of Parks;
- (b) "Minister" means the Minister of Lands and Forests;
- (c) "park" or "provincial park" means land designated as a provincial park pursuant to this Act and includes parks referred to in section 6, subsection (2).

2. In accordance with *The Public Service Act*, there may be appointed a Director of Parks, park officers and such other persons as may be necessary for the administration of this Act.

3. Provincial parks shall be developed and maintained

- (a) for the conservation and management of flora and fauna,
- (b) for the preservation of specified areas and objects therein that are of geological, cultural, ecological or other scientific interest, and
- (c) to facilitate their use and enjoyment for outdoor recreation.

4. The Minister may from time to time appoint persons to advisory committees for such periods as may be designated in their appointments for the purpose of advising in relation to any matter concerning a park or parks.

5. The Lieutenant Governor in Council may by order authorize the purchase, expropriation or other acquisition of land or buildings or other fixtures on land by the Minister for the purposes of a park.

Explanatory Notes

1. Definitions.

2. Staff.

3. Purpose of parks.

4. Advisory committees.

5. Creation of parks, etc.

- 6.** (1) The Lieutenant Governor in Council may by order
- (a) designate land that is owned by or leased to the Crown as a provincial park and declare the name by which it is to be known, and
 - (b) increase or decrease the area of land designated as a park.
- (2) Provincial parks designated pursuant to any predecessor of this Act continue to be provincial parks under this Act.

7. The Minister

- (a) may establish, develop and maintain a system and classification of provincial parks, and
- (b) is responsible for the administration, planning, development and maintenance of provincial parks.

8. No person shall make or attempt to make his chief place of residence in any park

- (a) except persons employed by the Department of Lands and Forests in the development, maintenance or supervision of parks, or
- (b) unless the Minister has given written authorization to the person to make his chief place of residence therein.

9. (1) The Lieutenant Governor in Council may make regulations with respect to parks

- (a) governing the establishment of reservoirs and the use of water stored therein for domestic and commercial purposes;
- (b) prescribing fees, charges and tolls for the use of any facilities or for the use of any part of a park;
- (c) regulating or prohibiting traffic or any kind of business;
- (d) controlling livestock or any other animals not defined as wildlife under *The Wildlife Act*;
- (e) prescribing standards and specifications of buildings and other structures erected in parks;
- (f) for the purpose of prohibiting, eliminating or abating noise and establishing permissible noise levels in all or any part of any park or parks.

(2) The Lieutenant Governor in Council may, with respect to parks, make regulations varying, substituting, adding to or making inapplicable thereto the provisions of any of the following Acts or regulations:

- (a) *The Public Lands Act* and regulations thereunder,
or

6. Establishment of parks.

7. Responsibilities of the Minister.

8. Prohibition against permanent residences.

9. Regulations.

- (b) *The Forests Act, 1971* and regulations thereunder, or
 - (c) *The Wildlife Act* and regulations thereunder, or
 - (d) *The Forest and Prairie Protection Act* and regulations thereunder.
- (3) Regulations under subsection (2) may be specific or general.

10. The Lieutenant Governor in Council may make regulations respecting

- (a) the provision of financial assistance to any municipal district or county or to the Minister of Municipal Affairs in respect of any improvement district or special area for the purpose of maintaining picnic grounds, campgrounds or other park recreation facilities;
- (b) the improvement, development or beautification of any land owned by the Crown.

11. The Minister may by order

- (a) close all or any part of a park for such periods as he considers necessary;
- (b) prescribe by signs posted along any road within a park the speed limit to be observed on it, or any part of it by all vehicles or by any class or classes of vehicles;
- (c) prescribe by signs posted along any road within a park or any part of it directions controlling or prohibiting the movement of any vehicle, pedestrian or other traffic;
- (d) open or close a road within a park at any time;
- (e) grant concession permits to any person for the operation of any service to the public or of any buildings for the accommodation of the public;
- (f) prescribe standards for the operation of stores, camps and other commercial ventures operated within parks;
- (g) by order zone any portion of a park so as to regulate or confine the various uses of land resources and water within the park;
- (h) authorize the doing of any other acts, matters and things relating to the purpose and administration of this Act.

12. (1) Where a road within a park is damaged by a vehicle, the Minister may by action recover the cost of repairing the damage.

10. Financial aid.

11. Powers of the Minister.

12. Protection of park roads.

(2) Where a vehicle is operated on a road within a park by or on behalf of any person for commercial purposes, the Minister may require the owner or operator of the vehicle or the person on whose behalf the vehicle is operated to deposit security in any form and any amount prescribed by the Minister.

13. (1) For the purpose of administering this Act and the regulations, a park officer may

- (a) enter upon and inspect any land, road, structure or work in a park;
- (b) order the repair, alteration, improvement, evacuation, or removal of or addition to any unauthorized structure or work in a park;
- (c) order any person in any park to cease or refrain from any action, omission or conduct that in the opinion of the officer is dangerous to life or property or detrimental to the use and enjoyment of the park by other persons;
- (d) require any person in a park to inform the officer of
 - (i) the name, address and occupation of the person, and
 - (ii) any fact or intention relating to the use by the person of the park;
- (e) remove from a park
 - (i) any person making an unauthorized use of the park, or
 - (ii) any person failing to comply with any provisions of this Act or the regulations, or
 - (iii) any person creating a nuisance or disturbance or committing a trespass or any undesirable act.

(2) A park officer may seize any motor, vehicle, aircraft, boat or any equipment, appliance or other article or object that is being used in a park in contravention of this Act or the regulations, or in contravention of any other Act or the regulations made thereunder, whether it is found in the possession of the person alleged to have committed the contravention or not.

(3) The park officer shall, upon seizing any thing under subsection (2),

- (a) give a receipt therefor to the person, if any, having possession or custody of the thing, and
- (b) furnish a provincial judge with an affidavit
 - (i) stating that he has reason to believe that an offence has been committed in respect of the thing seized, and

13. Powers of park officers.

- (ii) setting out the name of the person, if any, having possession or custody of the thing seized at the time it was seized.

14. (1) Where any thing is seized under the authority of section 13, subsection (2) the provincial judge may

- (a) order the thing seized to be confiscated to the Crown in right of Alberta where he is satisfied that its owner is unknown and that it has been used in connection with a contravention of this Act or the regulations, or
- (b) order the thing confiscated to the Crown in right of Alberta upon a conviction for any offence under this Act or the regulations, or
- (c) return the thing seized to the person from whom it was seized.

(2) When a provincial judge returns something seized after a trial in which a not guilty plea was entered, the provincial judge may order the person to whom the article is returned

- (a) to hold the thing as bailee for the Crown during the time limited for appeal, or any extension thereof, and
- (b) to produce the thing if it is required in an appeal.

15. Every person who contravenes any provision of this Act or the regulations or who fails to comply with any order made under this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term of not more than six months.

16. The Minister may authorize the Director or any other employee of the Department of Lands and Forests to exercise any of the powers conferred upon him by this Act.

17. *The Provincial Parks Act* is hereby repealed.

18. This Act comes into force on the day upon which it is assented to.

14. Disposition of seizures.

15. Offences.

16. Delegation of authority.

17. This Bill will repeal chapter 288 of the Revised Statutes of Alberta 1970.