

1983 BILL 36

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First Session, 20th Legislature, 32 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 36

PROVINCIAL PARKS AMENDMENT ACT, 1983

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MR. CAMPBELL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 36  
Mr. Campbell

## BILL 36

1983

### PROVINCIAL PARKS AMENDMENT ACT, 1983

(Assented to \_\_\_\_\_, 1983)

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

1 *The Provincial Parks Act is amended by this Act.*

2 *Section 1 is amended*

(a) *by repealing clause (a) and substituting the following:*

(a) "aircraft" includes any type of device designed to carry persons or objects through the air in powered or powerless flight;

(b) *in clause (b) by striking out "by virtue of section 6";*

(c) *by adding the following after clause (b):*

(b.1) "highway" means a highway as defined in the *Highway Traffic Act*;

(d) *by adding the following after clause (c):*

(c.1) "motor vehicle" means a motor vehicle as defined in the *Highway Traffic Act*;

(c.2) "off-highway vehicle" means an off-highway vehicle as defined in the *Off-highway Vehicle Act*;

(e) *by adding the following after clause (e):*

(f) "regulation" includes an order made under this Act or the regulations.

3 *Section 2 is amended by striking out "a Director of Parks, park officers" and substituting "park rangers".*

## Explanatory Notes

**1** This Bill will amend chapter P-22 of the Revised Statutes of Alberta 1980.

**2** Section 1(a) and (b) presently reads:

*1 In this Act,*

*(a) "Director" means the Director of Parks;*

*(b) "disposition" means an instrument entered into or issued by which an estate, right or interest in public land under the administration of the Minister by virtue of section 6 is conveyed by or on behalf of the Crown to any person;*

**3** Section 2 presently reads:

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

4 *The following is added after section 2:*

**2.1** Those police officers, forest officers appointed under the *Forests Act*, wildlife officers appointed under the *Wildlife Act* and fishery officers appointed under the *Fisheries Act* (Canada) that are designated by the Minister

- (a) are by virtue of their office park rangers, and
- (b) have the same powers that are conferred on a park ranger by law.

5 *Section 5 is repealed.*

6 *Section 6(2) is amended by striking out “under this section” and substituting “for the purposes of this Act”.*

7 *The following is added after section 7:*

**7.1** Where land under the Minister’s administration is not designated as a park or recreation area, the Minister may by regulation

- (a) declare any provision of this Act or the regulations to be applicable to that land as if it were a park or recreation area;
- (b) declare that land to be included in any reference made to a park or recreation area that is contained in a provision of any other Act or its regulations;
- (c) prescribe conditions under which any provision referred to in clause (a) or (b) applies to that land;
- (d) prescribe periods of time during which any provision referred to in clause (a) or (b) applies to that land.

**7.2** The Lieutenant Governor in Council may by order transfer to any other Minister any powers and duties under this Act in relation to any land under the administration of the Minister of Recreation and Parks.

4 Ex officio park rangers.

5 Section 5 presently reads:

5 *The Minister may from time to time*

*(a) appoint persons to advisory committees, for terms that may be designated in their appointments, for the purposes of advising the Minister in relation to any matter concerning a park or recreation area, and*

*(b) authorize, fix and provide for the payment of remuneration and expenses to the members of a committee appointed pursuant to this section.*

6 Section 6(2) presently reads:

*(2) Land purchased, expropriated or otherwise acquired under this section or designated as a park or recreation area pursuant to section 7 is under the administration of the Minister.*

7 Section 7.1 provides for the managing of land not included in a park or a recreation area.

Section 7.2 allows another Minister to perform functions under the Provincial Parks Act.

8 *Section 8 is amended*

(a) *by repealing subsection (1)(j) and substituting the following:*

(j) governing tenders or proposals made in respect of dispositions.

(b) *by adding the following after subsection (1):*

(1.1) The Minister may make regulations governing the fees payable in respect of dispositions.

(c) *by repealing subsection (3).*

9 *Section 9 is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):*

(c) may enter into agreements

(i) respecting the construction, operation and maintenance, or any one or more of them, of facilities located in or used in respect of parks or recreation areas, and

(ii) governing the provision of services to the public in respect of parks or recreation areas.

10 *Section 10 is repealed and the following is substituted:*

**10(1)** No person shall make or attempt to make a place of residence in a park or recreation area other than persons

(a) who are employed in the Department of Recreation and Parks and who are engaged in the development, maintenance or supervision of parks or recreation areas,

(b) who have received written authorization from the Minister to do so, or

(c) who are authorized to do so under a disposition.

(2) If, in the opinion of the Minister, a person is making or attempting to make a place of residence in a park or recreation area, other than when permitted to do so under subsection (1), the Minister may by written notice served on that person require that person to cease making or attempting to make a place of residence on that land.

(3) If within 14 days of being served with a notice under subsection (2) a person fails to comply with the notice, the Minister may apply to the Court of Queen’s Bench by originating notice for an order directing that person to cease making or attempting to make a place of residence on the land.

(4) A notice served under this section may be served personally or by a registered or certified mail.

**8** Section 8(1)(j) and (3) presently read:

*8(1) The Lieutenant Governor in Council may make regulations*

*(j) establishing a tariff of fees payable to the Minister*

*(i) for all applications, dispositions or renewals or reinstatements of dispositions;*

*(ii) for applications for the consent of the Minister to assignments of dispositions.*

*(3) No disposition may be made under subsection (1) which grants an estate, right or interest in excess of 10 years in duration without the approval of the Lieutenant Governor in Council.*

**9** Section 9 presently reads:

*9 The Minister*

*(a) may establish, develop and maintain a system and classification of parks and recreation areas, and*

*(b) is responsible for the administration, planning, development and maintenance of parks and recreation areas.*

**10** Section 10 presently reads:

*10 No person shall make or attempt to make his chief place of residence in a park or recreation area*

*(a) except persons employed by the Department of Recreation and Parks in the development, maintenance or supervision of parks or recreation areas, or*

*(b) unless the Minister has given written authorization to the person to make his chief place of residence therein.*

11 Sections 11 and 12 are repealed and the following is substituted:

11 The Minister may, in respect of parks and recreation areas, make regulations

- (a) governing the establishment of reservoirs and the use of water stored in them;
- (b) controlling domestic or other animals not defined as wildlife under the *Wildlife Act*;
- (c) governing the use of firearms, pellet, dart, arrow or other projectile shooting equipment, explosives, explosive devices and fireworks;
- (d) governing uses of and activities on that land;
- (e) governing commercial, scientific and research activities that may be carried on;
- (f) governing the use of motor vehicles, off-highway vehicles, boats, trailers and equipment;
- (g) governing standards respecting the provision or utilization of services in respect of the public;
- (h) governing standards respecting buildings and other structures;
- (i) governing the setting, use and extinguishing of fires;
- (j) governing the treatment and feeding of wildlife;
- (k) governing the dressing or hanging of big game;
- (l) governing the issuing of permits allowing special activities to be carried on;
- (m) controlling or prohibiting noise, unruly behaviour and nuisances;
- (n) governing the removal, storage and disposal under section 16(2) of motor vehicles, off-highway vehicles, aircraft, boats, trailers, equipment, appliances, articles or objects;
- (o) governing tenders or proposals made by persons wishing to carry on commercial activities;
- (p) governing the fees payable
  - (i) for the use of or the carrying out of an activity on the land or any part of it;
  - (ii) for the use of any facility provided under this Act;
  - (iii) for the provision of any goods or services provided under this Act.



11 Sections 11 and 12 presently read:

*11 The Lieutenant Governor in Council may make regulations with respect to parks and recreation areas*

*(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 or recreation area;*

*(c) regulating or prohibiting 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 and recreation areas;*

*(f) for the purpose of prohibiting, eliminating or abating noise and establishing permissible noise levels in all or any part of any park or recreation area.*

*12 The Lieutenant Governor in Council may make regulations respecting the improvement, development or beautification of any land owned by the Crown.*

12 *Section 13 is amended*

(a) *by renumbering it as section 13(1);*

(b) *by repealing subsection (1)(b) and (c);*

(c) *by adding the following after subsection (1):*

(2) The *Regulations Act* does not apply to an order made under subsection (1)(a).

13 *Section 15 is amended in subsections (1) and (2) by adding “or highway” after “road”.*

14 *The following is added after section 15:*

**15.1** Unless authorized to do so by the Minister, no person shall take off or land an aircraft

(a) in a park or recreation area, or

(b) on water that is located in or that comprises part of a park or recreation area.

15 *Section 16 is amended*

(a) *by renumbering it as section 16(1);*

(b) *in subsection (1) by striking out “park officer” and substituting “park ranger”;*

(c) *in subsection (1)(a) by adding “highway,” after “road,”;*

(d) *in subsection (1)(c) and (d) by striking out “officer” and substituting “park ranger”;*

(e) *by adding the following after subsection (1):*

(2) If a motor vehicle, off-highway vehicle, aircraft, boat, trailer, equipment, appliance, article or object

(a) is abandoned,

**12** Section 13 presently reads:

*13 The Minister may by order*

*(a) close all or any part of a park or recreation area for any periods he considers necessary;*

*(b) 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;*

*(c) prescribe standards for the operation of stores, camps and other commercial ventures operated within parks or recreation areas;*

*(d) zone any portion of a park or recreation area so as to regulate or confine the various uses of land resources and water within the park or recreation area;*

*(e) authorize the doing of any other acts, matters and things relating to the purpose and administration of this Act.*

**13** Section 15 presently reads:

*15(1) When a road within a park or recreation area is damaged by a vehicle, the Minister may by action recover the cost of repairing the damage.*

*(2) When a vehicle is operated on a road within a park or recreation area by or on behalf of a 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 a form and an amount prescribed by the Minister.*

**14** Prohibition on aircraft from taking off or landing in parks or recreation areas.

**15** Section 16(a), (c) and (d) presently read:

*16 For the purposes of administering this Act and the regulations, a park officer may*

*(a) enter on and inspect any land, road, structure or work in a park or recreation area;*

*(c) order any person in a park or recreation area 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 or recreation area by other persons;*

*(d) require any person in a park or recreation area 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 or recreation area;*

(b) remains in an area after the authorization to be in that area has expired, or

(c) is located in a prohibited area,

a park ranger may remove, store and dispose of that item in accordance with the regulations.

(3) The Minister may by order, subject to any conditions prescribed in the order, exempt a park ranger from any provision of this Act or the regulations.

(4) A park ranger in the exercise and discharge of his powers and duties is a person employed for the preservation and maintenance of the public peace.

*16 Section 17 is amended*

(a) in subsection (1) by striking out “park officer may seize any motor, vehicle, aircraft, boat” and substituting “park ranger may seize any motor vehicle, off-highway vehicle, aircraft, boat, trailer”;

(b) in subsection (2) by striking out “park officer” and substituting “park ranger”.

*17 Sections 18 and 19 are repealed and the following substituted:*

**18(1)** A person who contravenes this Act or the regulations is guilty of an offence and is liable to a fine of not more than \$2000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

(2) If

(a) a person is guilty of an offence under this Act or the regulations, and

(b) in respect of the offence, the court presiding over the matter is satisfied that the guilty person caused damage to a park or recreation area or damaged or destroyed a facility located in or used in respect of a park or recreation area,

the court may, in addition to or in lieu of a fine, if any, imposed for the offence, order that person to make restitution to the Government for the damage or destruction in an amount determined by the court.

**16** Section 17(1) and (2) presently read:

*17(1) 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 or recreation area 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.*

*(2) The park officer shall, on seizing any thing under subsection (1),*

*(a) give a receipt for it 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*

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

**17** Sections 18 and 19 presently read:

*18 A person who contravenes this Act or the regulations or any order made under this Act or the regulations is guilty of an offence and is liable to a fine of not more than \$500 and in default of payment to imprisonment for a term of not more than 6 months.*

*19 The Minister may authorize the Director or any other employee of the Department of Recreation and Parks to exercise any of the powers conferred on the Minister by this Act.*

(3) An order for restitution given under subsection (2) may be entered as a judgment in the Court of Queen's Bench and on being so entered it is enforceable as a judgment of that Court.

**18.1** If a motor vehicle, off-highway vehicle, aircraft, boat or trailer is involved in a contravention of this Act or the regulations, the owner of that motor vehicle, off-highway vehicle, aircraft, boat or trailer is guilty of an offence and liable to a fine of not more than \$2000 unless he proves to the satisfaction of the court that at the time of the offence the motor vehicle, off-highway vehicle, aircraft, boat or trailer was not being operated or used by him.

*18 The Forests Act is amended in section 3 by striking out "parks officers" and substituting "park rangers".*

*19 The Highway Traffic Act is amended by repealing section 14(1)(d) and substituting the following:*

(d) in the case of a provincial park or recreation area, the Minister of Recreation and Parks;

*20 The Litter Act is amended in section 1(b)(iii) by striking out "parks officer" and substituting "park ranger".*

*21 The Summary Convictions Act, being chapter S-26.1 of the Revised Statutes of Alberta 1980, is amended*

*(a) by repealing section 1(l)(vi) and substituting the following:*

(vi) a park ranger appointed pursuant to the *Provincial Parks Act*, while he is in the exercise or discharge of his powers or duties in a provincial park or recreation area,

*(b) in section 49(2)(b) as to section 1(o.1) of the Highway Traffic Act by repealing subclause (vi) and substituting the following:*

(vi) a park ranger appointed pursuant to the *Provincial Parks Act*, while he is in the exercise or discharge of his powers or duties in a provincial park or recreation area,

*(c) in section 50(2)(b) as to section 1(q) of the Motor Vehicle Administration Act by repealing subclause (vi) and substituting the following:*

(vi) a park ranger appointed pursuant to the *Provincial Parks Act*, while he is in the exercise or discharge of his powers or duties in a provincial park or recreation area,

*(d) in section 52(2)(a) as to section 1(o) of the Off-highway Vehicle Act by repealing subclause (vi) and substituting the following:*

(vi) a park ranger appointed pursuant to the *Provincial Parks Act*, while he is in the exercise or discharge of his powers or duties in a provincial park or recreation area,

**18** Consequential amendment.

**19** Consequential amendment.

**20** Consequential amendment.

**21** Consequential amendments.

*22 The Wildlife Act is amended in section 5 by striking out “park officers” and substituting “park rangers”.*

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*In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.*



**22 Consequential amendment.**