

100-2023 LITTERING

BYLAW NO. 100-2023 BEING A BYLAW OF THE MUNICIPAL DISTRICT OF SUMMER VILLAGE OF PELICAN NARROWS IN THE PROVINCE OF ALBERTA.

A Bylaw of the Municipal District of Summer Village of Pelican Narrows, in the Province of Alberta for the purpose of regulating the dumping or depositing of litter.

WHEREAS, Section 7 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, states that a Council may pass bylaws for municipal purpose respecting nuisances,

AND WHEREAS, Section 7(i) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, states that a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment,

AND WHEREAS, the Council of the Municipal District of Summer Village of Pelican Narrows deems it desirable and in the best interest of the public to provide for the regulation of litter within the boundaries of the Municipal District:

NOW THEREFORE, the Council for the Municipal District of Summer Village of Pelican Narrows, duly assembled, hereby enacts as follows:

TITLE

- 1) This Bylaw may be cited as the "Littering Bylaw".

DEFINITIONS

- 2) In this Bylaw.
 - a. **"Council"** means the elected members of the Municipal District of Summer Village of Pelican Narrows.
 - b. **"Deposit"** includes drop, throw, dump or randomly place or store or otherwise dispose of.
 - c. **"Highway"** means and includes any road, bridge, street, land or similar thoroughfare and includes such parts thereof commonly known as roadway, curbs, ditches, sidewalks and boulevards.
 - d. **"Land"** includes and ground, yard, lot or other real property whether or not occupied by a building or structure.
 - e. **"Litter"** shall mean debris, rubbish, filth, refuse, garbage or waste matter of any kind. Any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended and the Regulation thereunder.
 - f. **"Municipal Law Enforcement Officer"** shall mean a person contracted or employed by the Municipality for purpose of enforcing the bylaws of the Municipality or person with designated Peace Officer status within the Province of Alberta, authorized to enforce the Bylaw.
 - g. **"Municipality"** shall mean the Municipal District of Summer Village of Pelican Narrows.
 - h. **"Person"** includes an individual, an association, a firm, a partnership or a corporation.

GENERAL PROHIBITION

- 3) No person shall deposit or cause to be deposited or permit to be deposited any litter on any highway or land within the municipality, which is owned by or under the direction, control of the

management of the municipality unless it is disposed of in an approved waste receptacle, at the waste management facility or site operated by the municipality.

- 4) No person shall allow litter to blow from a property or vehicle onto any highway or land which is owned by or under the direction, control and management of the municipality.

GENERAL PENALTY PROVISION

- 5) Any person who contravenes this Bylaw is guilty of an offence and liable to a fine upon conviction of up to \$5,000.00 and in default of payment the offender will be publicly announced.

MINIMUM AND SPECIFIED PENALTY

- 6) Any person who contravenes any section of this Bylaw is guilty of an offence and liable upon conviction to the following minimum specified fines:
 - a. First offence \$250.00
 - b. Second offence \$500.00
 - c. Third offence \$750.00
 - d. Subsequent offence \$5,000.00

ENFORCEMENT

- 7) Any person who is guilty of an offence under law is liable to a fine in a amount not less than as set out in Section 6 of this Bylaw. Each day such violation continues, shall constitute a separate offence and shall be punishable as such.
- 8) In lieu of prosecution, a person who has contravened any provision of this Bylaw may, within thirty (30) days of the issuance of a Violation Ticket, elect to voluntarily pay a penalty as set out in Section 6 of Bylaw.
- 9) When a conflict arises between the requirement of the Bylaw and any other Bylaw of the Municipal district of Summer Village of Pelican Narrows, the more stringent regulation shall apply.
- 10) No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Municipal district of Summer Village of Pelican Narrows from pursuing any other remedy in relation to a premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

APPEAL PROCEDURE

- 11) Any person who receives a Violation Ticket may appeal to the Chief Administrative Officer of the municipality by filing a notice of appeal under this section.
- 12) A notice of appeal shall be in writing and shall set out
 - a. The name and address of the appellant,
 - b. A copy of the Violation Ticket in respect of which the appeal is being taken and
 - c. The grounds for appeal
- 13) A notice of appeal shall be delivered personally or sent by register mail to the Chief Administrative Office within 7 days of the day on which the Violation Ticket is received.
- 14) Within 15 days from the day of receipt of an appeal, the Chief Administrative Officer shall hear and determine the appeal and may confirm, rescind or vary the Violation Ticket that was issued.
- 15) The Chief Administrative Officer, shall, on determination of the appeal, send a copy of the decision, together with the written reason, to the appellant by email or mail.

- 16) An appellant who is dissatisfied with the decision of the Chief Administrative Officer may, with 7 days after the appellant received a copy of the decision, request a review of the decision or any part of it by Council.
- 17) A request to review a decision of the Chief Administrative Officer shall be in writing and shall be delivered personally to the Chief Administrative Officer.
- 18) Within 45 days of delivery of the request to review, council shall consider the request to review the decision of the Chief Administrative Officer and Council may confirm, rescind or vary the decision of the Chief Administrative Officer.
- 19) The decision of Council on the review of the decision of the Chief Administrative Officer shall be sent to the Appellant by email or mail.

SEVERABILITY

- 20) Each provision of the Bylaw is independent of all other provisions. If any such provision is declared invalid by the court of competent jurisdiction, all other provision of the Bylaw will remain valid and enforceable

STRICT LIABILITY OFFENSE

- 21) It is intention of Council that all offense created by this Bylaw be interpreted to be strict liability offenses.

EFFECTIVE DATE

- 22) This Bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 13 day of September, 2023



Mayor



Chief Administrative Officer

Read a second time this 8 day of November, 2023



Mayor



Chief Administrative Officer

Read a third time this 8 day of November, 2023



Mayor



Chief Administrative Officer