

## **BYLAW NO. 2021-05**

A Bylaw of the County of St. Paul No. 19, in the Province of Alberta, to prohibit, restrict, control and regulate the deposit of waste and other waste material on any road, highway or public land within the County of St. Paul No. 19.

**Whereas**, pursuant to Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26 and the amendments thereto, as amended from time to time, the County of St. Paul No. 19 may pass Bylaws respecting:

- a) the safety, health and welfare and protection of people and property;
- b) activities in, on or near a public place that is open to the public, and;
- c) nuisances, including unsightly property;

**And Whereas**, pursuant to Section 18 of the Municipal Government Act, R.S.A. 2000, c. M-26 and the amendments thereto, as amended from time to time, the County of St. Paul No. 19 has the direction, control and management of all roads within the municipality;

**And Whereas**, pursuant to Section 178 and 179 of the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12 and the amendments thereto, as amended from time to time, regulate the disposal of waste on public lands or highways;

**And Whereas**, the County of St. Paul deems it to be in the best interest of the residents' safety, health and welfare that a Bylaw be passed prohibiting, restricting and controlling the placing or depositing of refuse on or near any road, highway or public area within the County;

**Now Therefore**, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled, hereby enacts as follows:

### **1. SHORT TITLE**

1.1. This Bylaw may be cited as the "Littering Bylaw."

### **2. DEFINITIONS**

2.1. "Bylaw Enforcement Officer" means:

- a) Any member of the Royal Canadian Mounted Police.
- b) Any Community Peace Officer.
- c) The Bylaw Enforcement Officer appointed as per the County's Bylaw enforcement Officer Bylaw, as amended from time to time.
- d) The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw.

- 2.2. "Chief Administrative Officer" means the Chief Administrative Officer of the County of St. Paul No. 19 regardless of any subsequent title that may be conferred on that Officer by Council or statute, or his or her designate.
- 2.3. "Council" means the Municipal Council of the County of St. Paul No. 19.
- 2.4. "County" means the County of St. Paul No. 19, a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.
- 2.5. "Dispose of" or "Disposal of" means to release, discharge, deposit, dump, throw, drop, discard, abandon, spill, pump, pour, empty, allow to fall off or out of a receptacle or allow to blow off or out of a receptacle, whether inadvertently or by design.
- 2.6. "Environmental Protection and Enhancement Act" means the Environmental Protection and Enhancement Act, R.S.A. 200, C. E-12, as amended and the regulations thereunder.
- 2.7. "Highway" means any thoroughfare, street, road, trail, avenue, driveway, lane, bridge, causeway, trestleway, undeveloped road allowance, highway or any other place, whether publicly or privately owned, any part of which the public is ordinarily permitted to use for the passage or parking of vehicles and includes:
- a) A sidewalk, including any boulevard portion,
  - b) Any ditch which lies adjacent to and parallel with a developed roadway, and
  - c) Any highway right of way contained between fences or all land between the fence and the edge of a roadway.
- 2.8. "Litter" means the act of depositing, dropping, throwing, dumping, randomly placing, or storage or otherwise dispose of any item that has heretofore been defined as waste.
- 2.9. "Motor Vehicle" means a motor vehicle as defined in the Traffic Safety Act, R.S.A. 2000 c. T.6., as amended ~~from time to time~~ and the regulations thereunder.
- 2.10. "Person" means an individual, proprietorship, partnership, association or corporate body.
- 2.11. "Public Land" means any land owned by or under the control of the County of St. Paul No. 19 and includes sanitary landfill sites, all reserve land as defined in this bylaw but does not include a highway.
- 2.12. "Provincial Offences and Procedure Act" means the Provincial Offences and Procedures Act, R.S.A. 2000, c. P-34, as amended and the regulations thereunder.

- 2.13. "Reserve Lands" means an Environmental Reserve, a walkway, a Municipal Reserve, a School Reserve, a Municipal and School Reserve, as defined in the Municipal Government Act, R.S.A. 2000, c. M-26.
- 2.14. "Trailer" means a trailer as defined in the Traffic Safety Act, R.S.A. 2000 c. T.6., as amended and the regulations thereunder.
- 2.15. "Violation Ticket" means a ticket issued to Part 2 or Part 3 of the Provincial Offences and Procedures Act, R.S.A. 2000, c. P-34.
- 2.16. "Waste" means any solid or liquid material or product or combination of solid or liquid materials or products including, but not limited to:
- a) Any rubbish, refuse, garbage, paper, package, container, bottle, can, trees, shrubs, straw, hay, manure, or sewage or the whole or part of an animal carcass; or
  - b) The whole or part of any article, raw or unprocessed material, building materials, motor vehicle, or other machinery, that is disposed of; or
  - c) Any dirt, gravel, rock, sand, rubble, or clean fill; or
  - d) Any other material or product that is designated as waste in the Environmental Protection and Enhancement Act, and the Regulations thereunder.

### **3. DISPOSAL OF WASTE**

- 3.1. No person shall dispose of waste, nor allow the disposal of waste on any highway or public land unless they dispose of it:
- a) in a container placed for the purpose of collecting it;
  - b) through a waste disposal system established by the County;
  - c) at a waste management facility established pursuant to the Alberta Environmental Protection and Enhancement Act, and the regulations thereunder;
  - d) by burning it:
    - i. in accordance with a permit issued by the County, or
    - ii. pursuant to permission given under the regulations of the Environmental Protection and Enhancement Act and the regulations thereunder;
  - e) in any other manner that is permitted under the Environmental Protection and Enhancement Act and the regulations thereunder, or any other provincial statute and its regulations.
- 3.2. No person shall dispose of waste on, into or under water or ice unless the waste is disposed of in accordance with the provisions of the Environmental Protection and Enhancement Act, and the regulations thereunder, or any other provincial statute and its regulations.
- 3.3. No person shall dispose of waste at a waste management facility in a manner that is not:

- a) Approved by the County of St. Paul; and
- b) Sanctioned under the Environmental Protection and Enhancement Act, and the regulations thereunder.

#### **4. TRANSPORTATION OF WASTE**

- 4.1. No person shall transport waste in or on a motor vehicle or trailer on a road or highway, if the waste is likely to fall off or blow off the motor vehicle or trailer. The waste being transported must be adequately secured to prevent it from falling off or adequately covered to prevent it from blowing off the motor vehicle or trailer.
- 4.2. If waste is disposed of from a motor vehicle or a trailer and it cannot be determined who is the operator of the motor vehicle, the owner of the motor vehicle or trailer shall be deemed to be the person who disposed of the waste from the motor vehicle or trailer, unless the owner proves to the satisfaction of the court that at the time of the offence the motor vehicle was not being driven, the trailer was not being towed or the motor vehicle or trailer was not parked or left by him or by any other person with the owner's consent, express or implied.

#### **5. AUTHORITY OF BYLAW ENFORCEMENT OFFICERS**

- 5.1. Any Bylaw Enforcement Officer appointed or employed by the County is authorized to enforce any section of this Bylaw.
- 5.2. Bylaw Enforcement Officers for the purpose of this Bylaw may:
  - a) Require the person who disposed of waste in a manner contrary to the provisions of this Bylaw, to remove such waste within 48 hours.

#### **6. ENFORCEMENT**

- 6.1. Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has violated any provision of the Bylaw, the Bylaw Enforcement Officer may commence court proceedings against such a person by issuing the person a violation ticket pursuant to the provisions of Part 2 or Part 3 of the Provincial Offences Procedure Act.
- 6.2. Where a Bylaw Enforcement Officer issues a person a violation ticket in accordance with any Section of this Bylaw, the Bylaw Enforcement Officer may either:
  - a) Allow the person to pay the specified penalty by including such specified penalty in the violation ticket; or
  - b) Require a court appearance of the person where the Bylaw Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

6.3. No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the County from pursuing any other remedy provided by the Municipal Government Act and the regulations thereunder, or any other provincial statute and its regulations.

## **7. OFFENCES**

7.1. Any person who contravenes Sections 3 and/ or 4 of this Bylaw are guilty of an offence and is liable for the penalties set forth in the Penalties Bylaw.

7.2. A Bylaw Enforcement Officer who believes that a person has contravened any provisions of this Bylaw may serve upon that person a violation ticket allowing payment of the specified penalty, and the recording of such payment by the Court shall constitute acceptance of a guilty plea and imposition of a fine in the amount of the specified penalty as stated in the Penalties Bylaw.

## **8. STRICT LIABILITY**

8.1. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

## **9. SEVERABILITY**

9.1. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

## **10. EFFECTIVE DATE**

10.1. This Bylaw comes into effect upon receiving third reading.

Read a first time in Council this 8<sup>th</sup> day of June A.D. 2021.

Read a second time in Council this 8<sup>th</sup> day of June A.D. 2021.

Read a third time in Council this 8<sup>th</sup> day of June A.D. 2021.

*(Original signed by Reeve St. Upham)*

*(Original signed by CAO S. Kitz)*

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Reeve

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Chief Administrative Officer