

**TOWN OF HARDISTY
BYLAW NO. 1201/14**

A BYLAW IN THE TOWN OF HARDISTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ABATEMENT OF THE PRACTICE OF DEPOSITING LITTER ON STREETS, LANES, OR ANY PUBLIC PLACE IN THE TOWN.

WHEREAS the *Municipal Government Act* RSA 2000, c.M-26 and regulations as amended, repealed, or replaced, provides that Council may pass bylaws in relation to the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the depositing of litter on streets, lanes and public places causes an unsightly condition and could create a danger to public safety, health and welfare;

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

TITLE

1. This Bylaw may be referred to as the "Town of Hardisty Litter Bylaw".

DEFINITIONS

2. In this Bylaw, unless the content otherwise requires:
 - a. "Act" means the *Municipal Government Act* RSA 2000 c-M-26 and regulations made under the *Municipal Government Act* as amended, repealed, or replaced;
 - b. "Bylaw Enforcement Officer" means a person appointed by the Chief Administrative Officer for the purpose of enforcing compliance with Town Bylaws;
 - c. "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Hardisty regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;
 - d. "Town" means the Town of Hardisty, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Hardisty, as the context may require;
 - e. "Council" means the Municipal Council of the Town of Hardisty;
 - f. "Litter" means any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:



- i. Any rubbish, refuse, garbage, paper, package, container, bottle, can, cigarette butt, manure or the whole or part of an animal carcass, or;
 - ii. The whole or part of any article, raw or processed material, motor vehicle, equipment or other machinery, that is disposed of, or;
 - iii. Any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act and the Regulations thereunder, as amended, repealed, or replaced.
- g. "Peace Officer" means a Community Peace Officer or a member of the Royal Canadian Mounted Police;
- h. "Person" means a natural person, corporation, partnership, proprietorship and company;
- i. "Violation Tag" means a tag or similar document issued by the Town pursuant to the Act;
- j. "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, and any Regulations thereunder, as amended, repealed, or replaced.

GENERAL

3. No Person shall place, abandon, throw or deposit any Litter on any street, lane, highway, or any public place in the Town whereby such objects may cause danger, damage or inconvenience to pedestrians or vehicles using such streets, lanes, highways or public places, or may cause unsightly conditions.
4. No Person shall place, abandon, throw or deposit any Litter in any public park, playground, sports grounds, arena, recycling centre, or other place of public assembly to which the public may access or be admitted where such objects may cause danger, damage or inconvenience to those Persons using such places or premises, excepting where such items are lawfully left at such places or premises when in waste receptacles.

ENFORCEMENT AND PENALTY:

5. Any Person who contravenes any provision of this Bylaw is guilty of an offense and shall pay a specified penalty as outlines in Schedule "A" attached.
6. A Bylaw Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Bylaw Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7. A Violation Tag may be issued to such Person:
 - i. personally;
 - i. by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
 - ii. by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
8. Any Violation Tag shall conform to a format approved by the Chief Administrative Officer and shall include all required content.
9. Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom a Violation Tag has been issued may pay to the Town the penalty specified on the Violation Tag in lieu of prosecution.
10. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Person to whom the Violation Tag was issued.
11. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
 - a. If a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offenses Procedures Act*, RSA 2000, c P-34 as amended, repealed or replaced.
 - b. Any Person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the *Provincial Offenses Procedures Act*, RSA 2000, c P-34, as amended, repealed or replaced.

SEVERBILITY:

12. If a court of competent jurisdiction should declare any Section or Subsection of this Bylaw to be invalid, that Section or Subsection shall be severed from the remainder of the Bylaw, and the remaining provisions of this Bylaw shall continue to be valid and enforceable.

REPEAL OF BYLAW:

13. Any and all Bylaws in the Town of Hardisty dealing with Litter are hereby repealed.

EFFECTIVE DATE

14. This Bylaw shall take effect at the date of final passing thereof.

READ A FIRST TIME THIS 08th DAY OF July, 2014.

READ A SECOND TIME THIS 12th DAY OF August, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF August, 2014.



Mayor – Anita Miller



Interim CAO- Sandy Otto



TOWN OF HARDISTY
BYLAW NO. 1201/14
SCHEDULE "A"

PENALTIES:

For any contravention of any provision of Bylaw No. 1201/14

	<u>Penalty</u>
First Offense	\$250.00
Second Offense	\$500.00
Third and Subsequent Offenses	\$1,000.00

