

**LAMONT COUNTY
IN THE PROVINCE OF ALBERTA**

Bylaw No. 744.14

**BEING A BYLAW OF LAMONT COUNTY IN THE PROVINCE OF ALBERTA TO
CONTROL THE DISPOSAL OF WASTE ON THE ROADS, HIGHWAYS AND
DITCHES WITHIN LAMONT COUNTY**

Whereas, pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

Whereas, pursuant to section 7(b) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; and

Whereas, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:

- a) the creation of offences;
- b) for each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;
- c) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
- d) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
- e) providing for inspections to determine if bylaws are being complied with; and
- f) remedying the contraventions of bylaws;

Whereas, the disposing of waste on the county roadways, highways and ditches causes unsightly conditions and could create a danger to public safety, health and welfare

Now, Therefore, the Lamont County Council, in the Province of Alberta, hereby enacts as follows:

TITLE

- 1) This Bylaw may be referred to as the “Disposal of Waste”

PURPOSE

The purpose of this bylaw is to regulate the conduct and activities of people in public places to promote the safe, enjoyable, and reasonable use of such property for the benefit of all citizens of the Lamont County

DEFINITIONS

1. Deposit; includes drop, throw, dump or randomly place or store or otherwise dispose of.
2. Land includes any ground, yard, lot or other real property whether or not occupied by a building or structure.
3. County shall mean the Lamont County.
4. Person includes an individual, an association, a firm, a partnership or a corporation.
5. Community Peace Officer shall mean a person appointed by Council for the purpose of enforcing the by-laws of Lamont County
6. Council means the Lamont County Council
7. CAO means the Chief Administrative Officer of Lamont County
8. Waste includes but is not limited to the following:
 - a. any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to,
 - b. rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass
 - c. oils, chemicals, motor oil
 - d. the whole or part of any article, raw or
 - e. processed material, vehicle or other machinery, furniture, appliances, propane tanks
 - f. mud/slush/ice/debris/snow
 - g. debris, rubbish, filth, refuse, garbage or waste matter of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture and household effects, inoperative mechanical equipment, kitchen waste, lumber, packing materials, paper, soil, soot, tree trimmings and pruning's, garden waste, stumps, branches, automobile tires, used oil, automobile parts, snow, ice and slush.
 - h. Any other material or product that is designated as waste in the Alberta Environmental Protection and Enhancement Act, as amended and the regulations thereunder.
9. "HIGHWAY" or "ROADWAY" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether public or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and
 - a. includes:
 - i. a sidewalk (including the boulevard portion of the sidewalk).
 - ii. where a ditch lies adjacent to and parallel with the roadway, the ditch, and

- iii. where a Highway Right-of-way is contained between
 - iv. fences or between a fence and one side of the roadway, all the land between the fences, or all the land between fence and the edge of the roadway, as the case may be.
 - b. does not include a place declared by the Lieutenant
 - i. Governor in Council not to be a Highway.
- 10. Bylaw Violation Tag,
 - a. A notice or form commonly called a Bylaw Violation Tag, having printed wording approved by the CAO may be issued by a peace officer to any person alleged to have breached any provisions of this bylaw, and the said Notice shall require the payment to such official as the CAO may designate, of the amount specified for that particular breach of this bylaw.
 - b. If a person named in the traffic tag has been prosecuted by way of a ticket, then the conviction under Provincial Offense Procedures Act will be honored and the bylaw tag will be withdrawn
- 11. A Bylaw Violation Tag shall be deemed to be sufficiently served:
 - 1. If services personally on the accused, or
 - 2. If mailed to the address of the registered owner of the vehicle concerned or to the person concerned, or
 - 3. If attached to or left upon the vehicle in respect of which the offense is alleged to have been committed.
- 12. VIOLATION TICKET means a ticket issued pursuant to Part II of the Provincial Procedures Act RSA 2000, cP-34, as amended and any regulations thereto.

GENERAL

- 1. Waste on public land
 - a. No person shall dispose of waste on public land except:
 - i. in a container placed for the purpose of collecting it, or
- 2. Waste on highways
 - a. No person shall dispose of waste on a highway except in a container placed for the purpose of collecting it.
 - b. No person shall transport waste in or on a vehicle on a highway unless the waste is adequately contained, secured or covered to prevent it from falling off or being blown off the vehicle while being transported.
 - c. If waste is disposed of from a vehicle other than a bus or taxi and it cannot be determined which of 2 or more occupants of the vehicle transporting the waste is responsible for the disposal, the operator of the vehicle is deemed to be the person who disposed of the waste.

- d. If waste is disposed of from a vehicle other than a bus or taxi and it cannot be determined who is the operator of the vehicle transporting the waste, the owner of the vehicle is deemed to be the person who disposed of the waste unless the owner proves to the satisfaction of a court that at the time of the offence the vehicle was not being operated or parked or left by the owner or by any other person with the owner's consent, express or implied.
3. Waste on land owned by local authority
 - a. No person shall dispose of waste on any land owned or administered by Lamont County except:
 - i. In a container placed for the purpose of collecting waste
 - ii. By burning waste
 1. In accordance with a permit, licence or other consent by a local authority
4. Waste on water or ice
 - a. No person shall dispose of waste on, into or under water or ice except in accordance with an approval, a code of practice or a registration by a local authority
5. Waste on another person's land
 - a. No person shall dispose of waste on any land owned by another person unless the owner of that land agrees to the disposal of the waste on the land and the disposal of that waste is not in violation of any other local, Provincial or Federal law.

ENFORCEMENT

1. A person who contravenes this bylaw is guilty of an offence.
2. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
3. For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.
4. When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

5. If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES and PENALTIES

1. A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
2. Without restricting the generality of subsection (1) the following fine amounts are established for use on a Bylaw Violation Tag if a voluntary payment option is offered:
 - a) \$500.00 for any offence established in this section
 - b) double this fine for subsequent offences
 - c) plus the cost to clean up and disposal of the waste
3. A subsequent offence means an offence committed by a person within one year after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence
4. A person who commits an offence may, if a Bylaw Violation tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence
5.
 - a) If a person upon whom a Bylaw 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 Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
 - 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 Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed from time to time.

SEVERABILITY:

- 14 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions herein shall remain valid and enforceable.

EFFECTIVE DATE

This Bylaw shall become effective on the date on which this Bylaw is passed pursuant to the Act.

READ A FIRST TIME THIS 11th DAY OF March, A.D. 2014,

READ A SECOND TIME THIS 11th DAY OF March, A.D. 2014,

**READ A THIRD TIME AND WITH UNANIMOUS CONSENT OF ALL COUNCILLORS
PRESENT, FINALLY PASSED THIS 11th DAY OF March, A.D.2014.**

Reeve

Chief Administrative Officer