

SUMMER VILLAGE OF MA-ME-O BEACH

BYLAW #340

A BYLAW OF THE SUMMER VILLAGE OF MA-ME-O BEACH, IN THE PROVINCE OF ALBERTA, RESPECTING THE USE OF ROAD RIGHT OF WAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE SUMMER VILLAGE OF MA-ME-O BEACH

WHEREAS it is desirable to protect, preserve and retain trees and natural vegetation in public spaces owned or controlled by the Summer Village of Ma-Me-O Beach;

AND WHEREAS the trees and natural vegetation in Ma-Me-O Beach's public spaces provides many environmental, health and economic benefits to the community including:

- Improvement of air quality by removal of gaseous pollutants and dust particulates;
- Absorption of carbon dioxide;
- Climate moderation and energy conservation;
- Storm water retention;
- Wildlife habitat;
- Aesthetics; and
- General improvement of quality of life;

AND WHEREAS the Municipal Government Act, R.S.A. 2000, c.M-26 and amendments thereto, provides that Council may pass bylaws for regulating people, activities and things in public places or places that are open to the public;

NOW THEREFORE the Council of the Summer Village of Ma-Me-O Beach, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - NAME OF BYLAW

This Bylaw shall be known as "The Road Right of Way Bylaw".

SECTION 2 – DEFINITIONS

In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- a) "Chief Administrative Officer" means the person appointed by Council of the Summer Village of Ma-Me-O Beach as its Chief Administrative Officer;
- b) "*Council*" means the Council of the Summer Village of Ma-Me-O Beach;
- c) "*Cultivate*" means to loosen or break up the soil;
- d) "*Dispose*" includes discharging, dumping, throwing, dropping or discarding or abandoning;
- e) "*Litter*" means:
 - i) rubbish, refuse, garbage, waste materials, paper, packages, containers, bottles, cans or part thereof, or

- ii) any article, product, machinery, motor vehicle, building materials or other manufactured goods or part thereof, or
 - iii) tree/ shrub branches and/or leaves, firewood, manure, sewage, straw, hay, soil, gravel, rock, dead animals or dead fowl.
- f) *“Municipal Property”* means roads, right-of-ways, boulevards, pathways, structures, equipment, installations, devices, signs, barriers, reserves, boat launch, public parks including playgrounds, playground equipment and property owned by the Village.
- g) *“Enforcement Officer”* means a Community Peace Officer, Bylaw Enforcement Officer, RCMP or a designate of the Chief Administrative Officer.
- h) *“Person”* means any person, individual, owner, public body, society, firm or partnership.
- i) *“Road right of way”* means:
- i) a road allowance established by a survey, made under the Alberta Surveys Act, or
 - ii) a road widening, road diversion, road, street, avenue, lane, alley, walkway, or other public right of way as shown on a plan of survey registered in the Northern Alberta Land Registration District.
- j) *“Summer Village”* means the Summer Village of Ma-Me-O Beach.

SECTION 4 – USES AND RESTRICTIONS

- a) The cutting of brush or trees, or the damaging of natural growth is prohibited in or on any Municipal Property unless authorized in writing by the Summer Village.
- b) No person shall dispose of, or cause to be disposed of, any litter on a road right of way unless authorized in writing by the Summer Village.
- c) No person shall cultivate, or cause to be cultivated, a road right of way or any portion thereof unless authorized in writing by the Summer Village.
- d) No person shall remove, cut or otherwise destroy trees or shrubs located on a road right of way unless authorized in writing by the Summer Village.
- e) No person shall remove any soil, sand or gravel from a road right of way unless authorized in writing by the Summer Village.
- f) No person shall grade, ditch or otherwise change the contour of a road right of way unless authorized in writing by the Summer Village.
- g) Notwithstanding anything hereinbefore contained, the Chief Administrative Officer, or designate, may issue a permit to a person authorizing any of the actions or things prohibited within Sections 4, “a” through “g” inclusive of this Bylaw.

- h) No Person shall deface, damage or remove any municipal signage or markers unless authorized in writing by the Summer Village

SECTION 5 – SEVERABILITY

Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 6 - PENALTY PROVISIONS AND POWERS OF PEACE OFFICERS

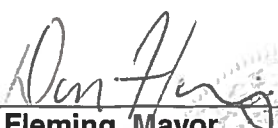
- a) Any Person who contravenes the provisions of this Bylaw shall be guilty of an offense and liable on summary conviction to the penalty as set out in Schedule 'A'.
- b) An Enforcement Officer is hereby authorized and empowered to issue a violation tag to any person, who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- c) In those cases where a violation tag has been issued and if the minimum specified penalty on the violation tag has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized and required to issue a violation ticket pursuant to Part II or Part III of the Provincial Offences Procedure Act, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of the Bylaw.
- d) An Enforcement Officer authorized to enforce this Bylaw under Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where the tag is not paid by the offender, a Part 2 violation tag may be issued to that person under the Provincial Offences Procedures Act, R.S.A. Chapter 2000, P-34 and amendments thereto.

SECTION 8 – EFFECTIVE DATE

READ a first time this 28th day of February, 2013.

READ a second time this 27th day of April, 2013.

READ a third time and finally passed this 27th day of April, 2013.



Don Fleming, Mayor
Summer Village of Ma-Me-O Beach



Sylvia Roy, Chief Administrative Officer
Summer Village of Ma-Me-O Beach

Schedule “A” to Bylaw No. 340 – Summer Village of Ma-Me-O Beach

A BYLAW RESPECTING THE USE OF ROAD RIGHT OF WAYS UNDER THE DIRECTION, CONTROL AND MANAGEMENT OF THE SUMMER VILLAGE OF MA-ME-O BEACH

PENALTIES

- a) For a first offence, to a fine of not less than \$250.00 and not more than \$1000.00 and in default of payment to imprisonment for a period not exceeding 30 days.
- b) For a second offence, to a fine of not less than \$500.00 and not more than \$2000.00 and in default of payment to imprisonment for a period not exceeding 30 days.
- c) For a third and any subsequent offence, to a fine of not less than \$750.00 and not more than \$5000.00 and in default of payment to imprisonment for a period not exceeding 90 days.