

## SUMMER VILLAGE OF SUNDANCE BEACH

### BYLAW #2016-03 – RESTRICTED USE OF FERTILIZERS AND PESTICIDES BYLAW

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A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH IN THE PROVINCE OF ALBERTA TO RESTRICT THE USE FERTILIZERS AND PESTICIDES.

WHEREAS the Municipal Government Act (Alberta) authorizes the council of a local municipality to pass a bylaw regulating the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place that is open to the public; and the enforcement of bylaws;

AND WHEREAS the Council of the Summer Village is concerned with the water quality of Pigeon Lake and the detrimental effects of fertilizers and pesticides on water quality;

AND WHEREAS the Council of the Summer Village has deemed it necessary to have restrictions on the use of fertilizers and pesticides in the Summer Village;

NOW THEREFORE, under the authority of the Municipal Government Act (Alberta), the Council of the Summer Village, duly assembled, hereby enacts as follows:

1. NAME

This Bylaw will be known as the “Restricted Use of Fertilizers and Pesticides Bylaw”.

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- (a) “Bylaw Enforcement Officer” means any person appointed by Council of the Summer Village or the Summer Village CAO to enforce this Bylaw.
- (b) “Council” means the elected council of the Summer Village.
- (c) “Fertilizer” means any substance or mixture of substances, containing nitrogen, phosphorus, phosphate, potassium or other chemicals that is manufactured, sold or represented for use as a plant nutrient or aid to plant growth provided that, for greater certainty, “Fertilizer” does not include natural vegetative compost.
- (d) “Owner” means, with respect to a property located within the municipal boundaries of the Summer Village, (i) the registered owner of such property in the case of a property that is owned by a person or entity other than the Summer Village or the Sundance Beach Easement Holders Association, or (ii) the holder(s) of the easement or the license of occupation applicable to such property in the case of a property that is owned by the Summer Village or Sundance Beach Easement Holders Association or that is a public utility lot or a road allowance.
- (e) “Pesticide” means any substance or mixture of substances that is manufactured, sold or represented for destroying unwanted pests or other unwanted organisms or unwanted plants including, without limitation, weeds, fungi, insects and microbes.

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- (f) “Summer Village” means the Summer Village of Sundance Beach.
- (g) “Summer Village CAO” means the chief administrative officer of the Summer Village.

#### 3. PROHIBITION

- (a) No person shall apply, spray, distribute or otherwise use, or cause to be applied, sprayed, distributed or otherwise used, any Fertilizers or Pesticides on any property located within the municipal boundaries of the Summer Village except (i) as permitted in accordance with sections 3(b) and (c) below, or (ii) with the prior written consent or approval of the Summer Village CAO.
- (b) Notwithstanding section 3(a) above, Fertilizers may be applied to vegetable gardens, flower gardens, trees and shrubs provided that (i) the Fertilizer does not contain phosphorous or phosphate, and (ii) the application is done in moderation and in a reasonable manner.
- (c) Notwithstanding section 3(a) above, Pesticides may be used to control noxious weeds or prohibited noxious weeds, as such terms are defined in the Weed Control Act (Alberta) and its applicable regulations, and (ii) unwanted insects or pests (including, without limitation, bees, wasps, hornets, slugs and aphids), provided that in the case of each of clauses (i) and (ii), the application is done in moderation and in a reasonable manner.

#### 4. ENFORCEMENT

- (a) A person who contravenes this Bylaw is guilty of an offence.
- (b) 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.
- (c) A person who is guilty of an offence is liable to pay a fine in an amount not less than that established in section 4(d) below and not exceeding \$1,000.
- (d) The following fine amounts are established (i) \$100 for the first offence, (ii) \$250 for the second offence, (iii) \$500 for the third offence, and (iv) \$1,000 for each offence after the third offence.
- (e) Upon receiving a complaint or observing a breach of this Bylaw, a Bylaw Enforcement Officer may (i) issue a warning to the offender and/or the Owner of the applicable property, or (ii) issue a ticket to the offender and/or the Owner of the applicable property in the amount of the applicable fine.
- (f) In connection with the enforcement of this Bylaw, a Bylaw Enforcement Officer may (i) enter upon the applicable property at any reasonable time, and (ii) take any action which is

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reasonably required to enforce this Bylaw including, without limitation, taking samples of the soil or the plants located on the applicable property.

- (g) No person shall hinder or obstruct a Bylaw Enforcement Officer exercising a power or performing a duty under this Bylaw.
- (h) Any unpaid fines levied under this Bylaw shall form part of the property taxes payable by the Owner of the applicable property in respect of the immediately following taxation year.

5. GENERAL

- (a) Without restricting another power, duty or function granted by this Bylaw, the Summer Village CAO may (i) delegate any powers, duties or functions under this Bylaw to any employee or contractor of the Summer Village and (ii) establish forms for the purposes of this Bylaw.
- (b) Each separate provision of this Bylaw shall be deemed independent of all other provisions and if any provisions of this Bylaw shall be declared invalid, then all other provisions shall remain valid and enforceable.
- (c) This Bylaw shall replace Bylaw No. P31 and Bylaw No. P31 is hereby repealed.

6. EFFECTIVE DATE

This By-Law shall come into full force and effect upon third reading thereof.

Read a first time this \_17th\_ day of \_\_\_ March \_\_\_\_, 2016.

Read a second time this \_17th\_ day of \_\_\_ March \_\_\_\_, 2016.

Read a third time this \_17th\_, day of \_\_\_ March \_\_\_\_, 2016.

  
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PETER PELLATT, MAYOR

  
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HAROLD WYNNE, CHIEF ADMINISTRATIVE OFFICER

