

**BY-LAW NO. 3-95
COUNTY OF PARKLAND**

A BY-LAW OF THE COUNTY OF PARKLAND NO. 31, IN THE PROVINCE OF ALBERTA PURSUANT TO THE *MUNICIPAL GOVERNMENT ACT (ALBERTA)*, R.S.A. 1980 CHAPTER M-26.1, TO PROHIBIT, RESTRICT, CONTROL AND REGULATE THE DEPOSIT OF REFUSE AND OTHER WASTE MATERIALS ON ANY ROAD, HIGHWAY OR PUBLIC PLACE WITHIN THE COUNTY OF PARKLAND NO. 31

WHEREAS pursuant to section 7 of the *Municipal Government Act (Alberta)*, Council may pass bylaws respecting the safety, health and welfare of people and or activities in, on or near a public place or place that is open to the public;

AND WHEREAS the Council of the County of Parkland No. 31 deems it to be in the best interest of the residents of the County of Parkland No. 31 for the safety, health and welfare of those residents that a bylaw be passed prohibiting, restricting, controlling and requiring the placing or depositing of refuse on any road, highway or public area within the County of Parkland no. 31.

THEREFORE, in accordance with section 7 of the *Municipal Government Act (Alberta)* being Chapter M-26.1 of the revised statutes of Alberta 1980, the Council of the County of Parkland No. 31, in Council duly assembled, hereby enacts as follows:

1. In this Bylaw:
 - (a) "County" means "County of Parkland No. 31".
 - (b) "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:
 - (i) a sidewalk (including any boulevard portion),
 - (ii) any ditch which lies adjacent to and parallel with a roadway, and
 - (iii) any highway right of way contained between fences or all land between the fence and the edge of the roadway.
 - (c) "Reserve Land" shall mean such land as is defined as environmental reserve, municipal reserve or school reserve under the Planning Act (Alberta) as amended from time to time.
 - (d) "Person" shall mean an individual, proprietorship, partnership, association or corporate body.
 - (e) "Refuse" shall mean:
 - (i) rubbish, refuse, garbage, waste materials, paper, packages, containers, bottles, cans or parts thereof, or
 - (ii) any article, product, machinery, motor vehicle, building materials or other manufactured goods, or
 - (iii) trees, shrubs, sewage, straw, hay, soil, gravel, rock, dead animals, dead fowl or any matter or material considered foreign to a highway or public land.

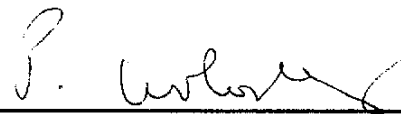
- (f) "Public Land" shall mean any land owned by or under the control of the County and includes sanitary landfill sites, all reserve land as defined in this By-law but does not include a highway.
 - (g) "Motor Vehicle" means a motor vehicle as defined in the Highway Traffic Act.
 - (h) "Trailer" means a trailer as defined in the Highway Traffic Act.
2. No person shall dispose of refuse on any highway or public land unless he disposes of it:
- (a) in a container placed for the purpose of collecting it,
 - (b) at a sanitary landfill established pursuant to the regulations made under the *Public Health Act (Alberta)*,
 - (c) through a County refuse disposal system, or
 - (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 (Alberta)*
3. (a) No person shall transport refuse in or on a motor vehicle or trailer on a highway, if the refuse is likely to fall off or blow off the motor vehicle or trailer, unless the refuse being transported is adequately secured to prevent it from falling off or adequately covered to prevent it from blowing off the motor vehicle or trailer.
- (b) If refuse is disposed of from
- (i) a motor vehicle, or
 - (ii) a trailer
- and it cannot be determined who is the driver of the motor vehicle, the owner of the motor vehicle or trailer shall be deemed to be the person who disposed of the refuse from the motor vehicle or trailer, unless he 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 his consent, express or implied.
4. No person shall dispose of refuse on any land other than his own unless the owner or person in control of the other land agrees to its disposal.
5. At a designated sanitary landfill site within the County no person shall dispose of refuse in any location other than the location approved under the regulations of the Public Health Act.
6. (a) A By-Law Enforcement Officer or Special Constable for the County may, in lieu of prosecution, require the person who deposited the refuse in a manner contrary to the provisions of this bylaw, to remove such refuse within 72 hours to the satisfaction of the By-Law Enforcement Officer or Special Constable.

- (b) If a person ordered to remove refuse pursuant to sub-section 6(a) fails to do so within 72 hours, the County may take whatever action is required to remove the refuse, and any costs of such action are a debt due to County. In such case, the person deemed responsible for the deposit of the refuse may be charged with the appropriate offence pursuant to this by-law.
7. (a) Any person who contravenes Sections 2, 3, 4, 5 or 6 of this By-Law of guilty of an offence and is liable for the penalties set forth in this By-Law.
- (b) A By-Law Enforcement Officer, Special Constable or any other Peace Officer may issue a violation ticket to any person charged with a breach of any of the provisions of this by-law, such violation ticket to be in the following amounts:
- (i) for a first offence Two Hundred (\$200.00) Dollars;
- (ii) for a second offence Four Hundred (\$400.00) Dollars.
- (c) A person found guilty of an offence against this By-Law where no penalty has been specifically provided or a person who has refused or neglected to pay a fine specified on a violation ticket is liable on Summary Conviction to a fine of not less than One Thousand (\$1,000.00) Dollars and not exceeding Ten Thousand (\$10,000.00) Dollars, exclusive of costs, and in default of payment to imprisonment for a period not exceeding one (1) year, unless the fine and costs, including the costs of committal, are sooner paid.
8. This by-law shall come into force on the date of final passing thereof.

READ a first time this 02 day of February, A.D. 1995.

READ a second time this 02 day of February, A.D. 1995.

READ a third time and finally passed by the unanimous consent of the Councillors present this 02 day of February, A.D. 1995.



REEVE



MUNICIPAL SECRETARY

SEAL