

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW 2016-16

**BEING A BYLAW TO PROVIDE FOR THE REGULATION OF LANDFILL BUSINESSES WITHIN
PARKLAND COUNTY, IN THE PROVINCE OF ALBERTA**

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26 authorizes council to pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS Council of Parkland County wishes to pass a bylaw for the purpose of regulating landfill businesses; and

NOW THEREFORE the Council of Parkland County, duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

TITLE

1. This bylaw shall be known as the “Landfill Business Regulation Bylaw”.

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:
 - (1) “Act” means the Municipal Government Act of Alberta, as amended.
 - (2) “Council” means the Council of Parkland County
 - (3) “County” means the municipality of Parkland County in the Province of Alberta.
 - (4) “Landfill business” means any business which provides landfill facilities including dry-waste landfill, industrial, sanitary and modified sanitary landfill, and/or associated composting and/or contaminated soil remediation operations and includes a landfill facility in the Reclamation phase.
 - (5) “Permit” means the permit issued pursuant to this Bylaw.
 - (6) “Permit Holder” means the person holding a valid and subsisting Permit issued pursuant to the provisions of this Bylaw.
 - (7) “Permit Inspector” means the Chief Administrative Officer or designate of the County.
 - (8) “Person” means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or association, unless the context expressly or by necessary implication otherwise requires.
 - (9) “Reclamation” means the use of inert waste or other materials imported to the site to reclaim a landfill site to a final elevation in accordance with an approval or other authorization issued by Alberta Environment and Parks, or any predecessor department.

INTERPRETATION

3. The headings in this bylaw are for reference purposes only.

APPOINTMENT, POWERS AND DUTIES OF PERMIT INSPECTOR

4. Council appoints the Chief Administrative Officer, or designate, as the Permit Inspector for the County.
5. The powers and duties of a Permit Inspector shall be as follows:
 - (1) To receive, approve, refuse, revoke, cancel or suspend Permits and transfers thereof;

- (2) To keep a record of all applications for Permits and transfers of Permits;
- (3) To keep on file duplicate counterparts of all Permits issued and particulars thereof;
- (4) To ascertain as far as reasonably practicable that all information furnished by an applicant in connection with an application for a Permit or transfer of Permit is true in substance and in fact;
- (5) To ascertain that sureties signing any bond required by the terms of this Bylaw are solvent and responsible persons;
- (6) To prepare all bonds, Permits or transfers of Permits pursuant to the terms of this Bylaw and to issue all Permits and transfers of Permits under this Bylaw;
- (7) As often as necessary, to inspect all premises Permitted or required to obtain Permits pursuant to the provisions of this Bylaw in order to ascertain that such premises comply with the terms of the Permit and this Bylaw.
- (8) To consult, prior to issuing or renewing a Permit, with provincial or municipal authorities to determine whether they are in possession of information which, in the opinion of the Permit Inspector, renders it inappropriate for an Applicant to be issued a Permit.
- (9) To determine the accuracy of the information provided by the Permit Holder.
- (10) Whenever requested to do so by Council, to attend a meeting or meetings of Council or of any Committee or Committees of Council.
- (11) At such time or times and in such form as Council shall deem necessary to report in writing to Council concerning:
 - (a) The number of Permits issued,
 - (b) The number of Permits transferred,
 - (c) The amount of money received from Permit fees during the year and to the date of the report,
 - (d) The number of Permits refused,
 - (e) The number of Permits revoked, cancelled or suspended,
 - (f) The number of prosecutions,
 - (g) The number of premises inspected,
 - (h) Other such information as Council may determine;
- (12) To administer and enforce this Bylaw and, as far as practicable, see that all persons concerned conform to its provisions and to prosecute persons who fail to comply herewith.
- (13) Such other powers, duties and responsibilities as may be provided for elsewhere in this Bylaw or by Council from time to time.

NECESSITY FOR PERMIT

6. Except as provided for in Section 8 of this Bylaw, no person shall carry on or operate any Landfill business within the County unless that person is the holder of a valid and subsisting Permit issued pursuant to the provisions of this Bylaw.
7. Any advertising of a Landfill business within the County shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating any such business within the County.

EXEMPTION OF LANDFILLS

8. No Permit shall be required for a Landfill business carried on or operated by the County, or owned by the County and operated on behalf of the County.

RECLAMATION OF LANDFILLS

9. Any Landfill business previously approved by Parkland County where Reclamation of the landfill site is undertaken and continues to import inert waste or other materials to the landfill site, shall be considered to be a landfill business for which a Permit is required.

LANDFILL BUSINESS PERMIT FEE

10. No person shall carry on a Landfill business within the County, without paying the annual Landfill Business Permit fee set out in Section 11 of this Bylaw. The date on which the Landfill business Permit fee is paid shall, at the option of Council, be reflected in an agreement between the County and the Permit Holder. The information necessary to calculate the fee shall be provide to the County by the Permit Holder in the manner specified by the County in any agreement between the County and the Permit Holder. The County and the Permit Holder may agree that an agreement in place for the payment of business license fees under Bylaw 2014-09 as of the effective date of this bylaw continues to be an agreement under this Bylaw.
11. The Permit fees for a landfill business are to be calculated at 10% of the gross invoice revenue (prior to GST) from materials delivered to the landfill facility in each calendar year in which the Landfill business operates, including those delivered for Reclamation of the facility.

PERMIT APPLICATION

12. Applications for a Permit or renewal of a Permit, or for a transfer of Permit shall be made in writing on a form to be provided by the Permit Inspector and, unless otherwise provided, in person at the office of the Permit Inspector.
13. An application for Permit for any businesses shall be made jointly by all the persons who will be actively engaged in the management and control of the Landfill business and by those persons only.

REGULATION SUBJECT TO LAND USE BYLAW

14. Any Landfill business shall obtain and produce such permits and approvals as may be required of the Landfill business under the Land Use Bylaw of the County.
15. A Landfill business in its Reclamation phase is not required to produce a valid development permit for a landfill if prior development permits provided for Reclamation following expiry of the development permit.

PENALTIES

16. Any person who contravenes or fails to comply with any provision of this Bylaw shall be liable upon conviction therefore to a penalty, which may be amended and authorized at any time by resolution of Council, as follows:
 - (1) A penalty of ONE THOUSAND DOLLARS (\$1,000.00) shall be levied against and paid by any person who commits a breach of any of the provisions of this Bylaw.
 - (2) A penalty of TWO THOUSAND DOLLARS (\$2,000.00) shall be levied against and paid by any person who commits a second time breach of any of the provisions of this Bylaw, provided the offence is committed within twelve (12) months of the commission of the first offence.

- (3) A penalty of FIVE THOUSAND DOLLARS (\$5,000.00) shall be levied against and paid by any person who commits a third time breach of any of the provisions of this Bylaw, provided the offence is committed within twelve (12) months of the commission of the first offence.
17. Where the offence is the non-payment of any Permit fee payable hereunder, then, in addition to any of the penalties set forth in Section 16, the Court may order payment of the said Permit fee in addition to any penalty and costs imposed pursuant to Section 16.
18. Any Peace Officer, in lieu of proceeding with any punishment by way of prosecution for the contravention of this Bylaw as provide for in Section 10 may issue an offence ticket to any person alleged to have committed one or more breaches of this Bylaw. The offence ticket shall state the alleged offence and require the forfeiture and payment of the appropriate fine as provided in Section 16 of this Bylaw.
19. An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by registered mail.

ENACTMENT/TRANSITION

20. Should any provision of this bylaw be deemed invalid then such provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of the bylaw, except to the extent necessary to give effect to such severance.
21. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

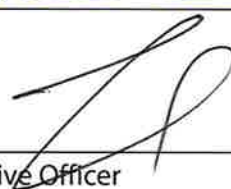
READ A FIRST TIME this 23rd day of August, 2016.

READ A SECOND TIME this 23rd day of August, 2016.

READ A THIRD TIME and finally passed this 23rd day of August, 2016.



Mayor



Chief Administrative Officer