

## SUMMER VILLAGE OF SILVER BEACH

### BY-LAW #2016-03 – COSMETIC LAWN FERTILIZER BY-LAW

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**WHEREAS** pursuant to the provisions of the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, Part 2, Section 7 & 8 and amendments thereto, authorizes that Council may pass By-Laws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place that is open to the public; and
- c) the enforcement of By-Laws; and

**AND WHEREAS** the Council of the Summer Village is concerned with the water quality of Pigeon Lake and the detrimental effects of Cosmetic Lawn Fertilizers on water quality;

**AND WHEREAS** the Council of the Summer Village has deemed it necessary to have restrictions on the use of Cosmetic Lawn Fertilizers 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 “Cosmetic Lawn Fertilizer Bylaw”.

2. **DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- (a) "Bylaw Enforcement Officer" shall mean,
  - (i) a person appointed under Section 555 and 556 pursuant to the Municipal Government Act, RSA 2000, Chapter M-26, employed or contracted by the Summer Village to enforce the Summer Village By-Laws;
  - (ii) a Community Peace Officer as defined under the Peace Officer Act, SA 2006, Chapter P-3.5;
  - (iii) a member of the Royal Canadian Mounted Police (RCMP);
- (b) “Council” means the elected council of the Summer Village;
- (c) “Cosmetic Lawn Fertilizer” means any substance or mixture of substances, containing nitrogen, phosphorus, potassium or other plant food that is manufactured, sold or represented for use as a plant nutrient or aid to plant growth;
- (d) “Owner” means, the registered owner(s) of a property located within the municipal boundaries of the Summer Village of Silver Beach;

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

#### 3. **PROHIBITION**

The use of Cosmetic Lawn Fertilizers, other than natural compost, is prohibited in the Summer Village.

#### 4. **COMPLAINT PROCESS**

Cosmetic Lawn Fertilizer complaints shall be referred to a By-Law Enforcement Officer.

#### 5. **ENFORCEMENT**

- (a) A complaint may be investigated and enforced by a By-Law Enforcement Officer.
- (b) Without limiting Section 5(a), for the purpose of conducting an inspection to determine whether a person is complying with this By-Law, a By-Law Enforcement Officer may:
  - i. enter onto lands at a reasonable time;
  - ii. require the production for inspection documents or thing relevant to the inspection;
  - iii. require information from any person concerning a matter related to the inspection; and
  - iv. take photographs and/or soil samples.
- (c) No person shall hinder or obstruct any person exercising a power or performing a duty under this By-Law.
- (d) No person required to produce documents, things or information by a By-Law Enforcement Officer shall fail to respond forthwith.

#### 6. **PENALTIES**

- (a) Any person who contravenes or fails to comply with any provision of this By-Law shall be liable upon conviction thereof to a penalty as identified in Schedule “A” attached hereto.
- (b) A By-Law Enforcement Officer, in lieu of proceeding with any punishment by way of prosecution may issue a violation ticket to any person alleged to have committed one or more breaches of this By-Law.

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The violation ticket shall state the alleged offence and require the forfeiture and payment of the appropriate fine as provided for in Schedule "A" attached hereto.

**7. EFFECTIVE DATE**

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

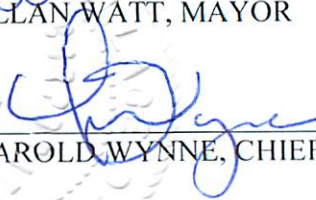
Read a first time this \_18th\_ day of \_\_April\_\_, 2016.

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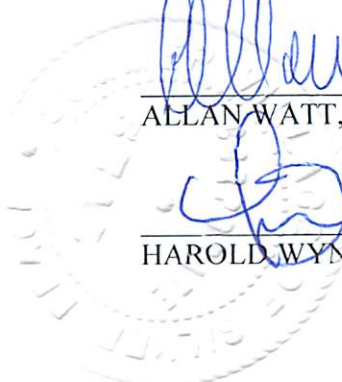
Read a third time this \_18th\_, day of \_\_April\_\_, 2016.



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ALLAN WATT, MAYOR



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HAROLD WYNNE, CHIEF ADMINISTRATIVE OFFICER



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#### **SCHEDULE “A”**

##### **PENALTIES**

1. A penalty of \$250.00 (TWO HUNDRED AND FIFTY DOLLARS) shall be levied against and paid by any person who commits a breach of any of the provisions of this By-Law.
2. A penalty of \$500.00 (FIVE HUNDRED DOLLARS) shall be levied against and paid by any person who commits for a second time a breach of any provision of this By-Law provided the offence is committed within twelve (12) months of the commission of the first offence.
3. A penalty of \$1,000.00 (ONE THOUSAND DOLLARS) shall be levied against and paid by any person who commits for a third time a breach of any provision of this By-Law provided the offence is committed within twelve (12) months of the commission of the second offence.
4. A penalty of \$2,000.00 (TWO THOUSAND DOLLARS) shall be levied against and paid by any person who commits a fourth breach and any subsequent breaches of any provision of this By-Law provided the offence is committed within twelve (12) months of the commission of the third offence.