



Yellowhead County

BYLAW NO. 26.09

BEING A BYLAW OF YELLOWHEAD COUNTY, IN THE PROVINCE OF ALBERTA,
PURSUANT TO THE MUNICIPAL GOVERNMENT ACT (ALBERTA), R.S.A. 2000
CHAPTER M-26, TO PROHIBIT, RESTRICT, CONTROL AND REGULATE THE DEPOSIT
OF REFUSE AND OTHER WASTE MATERIALS ON ANY ROAD, HIGHWAY OR PUBLIC
PLACE WITHIN YELLOWHEAD COUNTY

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 Yellowhead County deems it to be in the best interest of the residents of Yellowhead County for the safety, health and welfare of those residents that a bylaw be passed prohibiting, restricting and controlling the placing or depositing of refuse on or near any road, highway or public area within Yellowhead County;

THEREFORE, in accordance with section 7 of the *Municipal Government Act (Alberta)*, being Chapter M-26 of the revised statutes of Alberta 2000, the Council of Yellowhead County, in Council duly assembled, hereby enacts as follows:

1. SHORT TITLE:

- a) This Bylaw is called "The Littering Bylaw".

2. DEFINITIONS:

In this Bylaw:

- a) "COUNTY" means "Yellowhead County".
- b) "DISPOSE OF" or "DISPOSAL OF" means when refuse is in another location and by natural forces moves or is moved to a highway or public land.
- c) "HIGHWAY" means any thoroughfare, street, road, trail, avenue, driveway, lane, bridge, causeway, trestle way, 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 developed roadway, and
 - iii) any highway right of way contained between fences or all land between the fence and the edge of the roadway.
- d) "RESERVE LAND" shall mean such land as is defined as environmental reserve, municipal reserve or school reserve under the *Municipal Government Act* as amended from time to time.

- e) "PERSON" shall mean an individual, proprietorship, partnership, association or corporate body.
 - f) "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.
 - g) "PUBLIC LAND" shall mean any land owned by or under the control of Yellowhead County and includes sanitary landfill sites, all reserve land as defined in this bylaw but does not include a highway.
 - h) "MOTOR VEHICLE" means a motor vehicle as defined in the Traffic Safety Act.
 - i) "TRAILER" means a trailer as defined in the Traffic Safety Act.
3. No person shall dispose of refuse, nor allow the disposal 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 *Environmental Protection & Enhancement 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)*.
4. 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. If refuse is disposed of from:
- i) a motor vehicle, or
 - ii) a trailer

and it cannot be determined which of the occupants of the motor vehicle is responsible for the disposal of the refuse, the operator of the motor vehicle is deemed to be the person who disposed of the refuse;



- c) If refuse is disposed of from a motor vehicle or a trailer and it cannot be determined who is the operator 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 the owner 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 the owner's consent, express or implied.
5. 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.
6. 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 Environmental Protection & Enhancement Act.
7.
 - a) A Bylaw Enforcement Officer or Community Peace Officer 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 of the satisfaction of the Bylaw Enforcement Officer or Community Peace Officer.
 - 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 the County. In such case, the person deemed responsible for the deposit of the refuse may be charged with the appropriate offence pursuant to this bylaw.
8.
 - a) Any person who contravenes Sections 2, 3, 4, 5 or 6 of this bylaw are guilty of an offence and is liable for the penalties set forth in the bylaw.
 - b) A Bylaw Enforcement Officer, Community Peace Officer or any other Peace Officer who believes that a person has contravened any provisions of this bylaw, may serve upon that person, a violation ticket allowing payment of the specified penalty as set out below for the offence, and the recording of such payment by the Court shall constitute acceptance of a guilty plea and imposition of a fine in the amount of the specified penalty. The specified penalties shall be in the following amounts:
 - i) for the first offence Two Hundred and Fifty (\$250.00) Dollars;
 - ii) for a second offence Five Hundred (\$500.00) Dollars; and
 - c) Section 7(b) shall not prevent a Bylaw Enforcement Officer, Community Peace Officer or any other Peace Officer from issuing a ticket and requiring a Court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act (Alberta) or from laying an information in lieu of issuing a violation ticket.
 - d) A person found guilty of an offence under this bylaw where no penalty has been specifically provided 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.



9. This bylaw shall come into force on the date of final passing thereof.

READ a first time this 25 Day of August A.D., 2009.

READ a second time this 8 Day of SEPTEMBER A.D., 2009.

READ a third time this 8 Day of SEPTEMBER A.D., 2009.

SIGNED this 8 Day of SEPTEMBER A.D., 2009.

A large, stylized handwritten signature in black ink, appearing to be "G. Soroka".

Mayor, Gerald Soroka

A handwritten signature in black ink, appearing to be "J. Ramme".

Chief Administrative Officer, Jack Ramme