

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-5754-2003**

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A bylaw of the Municipal District of Rocky View to regulate littering.

Whereas, Section 7 of the Municipal Government Act, RSA 2000, c. M-26 as amended authorizes the Council of the Municipal District of Rocky View No. 44 to pass bylaws for the protection of property, to regulate people and activities on or near a public place or a place that is open to the public and to regulate nuisances;

TITLE

1. This bylaw may be cited as the "Litter" bylaw.

DEFINITIONS

- 2.
- (a) Highway - means highway as defined by the Traffic Safety Act RSA 2000 Chapter T-6.
 - (b) Litter - any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:
 - (i) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or a part of an animal carcass or
 - (ii) the whole or part of any article, raw or processed material, Motor Vehicle or other machinery, that is disposed of; or
 - (iii) any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended and the Regulations thereunder.
 - (c) Local Authority - Municipal District of Rocky View No. 44
 - (d) Motor Vehicle - a motor vehicle as defined in the Traffic Safety Act, RSA 2000, Chapter T-6 as amended and the Regulations thereunder.
 - (e) Nuisance - any act or thing that causes trouble, annoyance, damage or inconvenience to anyone or their property.

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- (f) Peace Officer - A Peace Officer as defined under the Provincial Offenses Procedure Act, RSA 2000, Chapter P-34 as amended and the Regulations thereunder.
- (g) Trailer - a trailer as defined in the Traffic Safety Act, RSA 2000 Chapter T-6 as amended, and the Regulations thereunder.

GENERAL PROHIBITION

- 3. No person shall dispose of litter on a highway, unless the Litter is disposed into a container that is designated for the purpose of Litter collection.
- 4. If litter is not contained/secured during transportation:
 - (a) Every person who transports Litter on a highway by any means, including but not limited to transportation in or on a Motor Vehicle, Trailer or other device, shall ensure that the Litter is adequately contained, secured or covered to prevent it from falling off or being blown off while being transported.
 - (b) For the purposes of this section, the operator of a Motor Vehicle shall be deemed to be the person transporting the Litter.
- 5. If litter is disposed of from:
 - (a) a Motor vehicle, other than a bus or taxi, or
 - (b) a Trailer
 - (c) and it cannot be determined which of two or more occupants of the Motor Vehicle or Trailer is responsible, the driver of the Motor Vehicle shall be deemed to be the person who disposed of the litter.

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6. For the purpose of sections 4 and 5 of this Bylaw, if Litter is disposed from a Motor Vehicle or Trailer, other than a bus or taxi, and it cannot be determined who was operating the Motor Vehicle at the time of the disposal, the owner of the Motor Vehicle shall be deemed to be the operator, unless he proves to the satisfaction of the Court that at the time of the offense, the Motor Vehicle or Trailer was not being operated, towed, parked or left by the owner or by any other person with the owner's express or implied consent.

7. No person shall dispose of Litter on any land which is owned by or under the direction, control and management of the Local Authority unless he disposes of it:
 - (a) at a waste management facility that is constructed and operated in accordance with the Alberta Environmental Protection and Enhancement Act, RSA 2000, c. E-12 as amended, and the Regulations thereunder;
 - (b) through a refuse disposal system established by the Local Authority;
 - (c) in a container designated for the purpose of collecting waste; or
 - (d) in any other manner specified in the Alberta Environmental Protection and Enhancement Act, RSA 2000, c. E-12 as amended, and the Regulations thereunder.

8. The owner or person in control of private property, and any person who disposes of Litter on private property, shall ensure that the Litter
 - (a) does not leach, and
 - (b) is not otherwise transferredonto land that is owned or under the direction, control or management of the Local Authority.

9. No person shall dispose of litter on any land of which he/she is not the owner or over which he/she does not have control, unless the owner or person in control of

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the land consents to its disposal.

10. When anyone is found disposing of Litter on land of which he/she is not the owner or over which he/she does not have control, the person shall provide to a Peace Officer so requesting:
 - (a) the identity of the individual who consented to the disposal of Litter; and
 - (b) the location or method by which the individual identified in subsection (1) is likely to be found.
11.
 - (a) No person shall dispose of Litter on, into or under water or ice unless the litter is disposed of in accordance with the provisions of the Alberta Environmental Protection and Enhancement Act, RSA 2000, c. E-12 as amended, its regulations and any other provincial statute.
 - (b) This section applies to all bodies of water and ice that are located within the Municipal District of Rocky View No. 44.

GENERAL PENALTY PROVISION

12. Any person who contravenes this Bylaw, is guilty of an offense and liable to a fine upon conviction up to \$10,000.00 and in default of payment to imprisonment for a term of not more than one year.

MINIMUM AND SPECIFIED PENALTY

13. Any person who contravenes any section 9 of this Bylaw is guilty of an offense and liable upon conviction to a minimum specified fine of \$500.00.

ENFORCEMENT

14. Where an Peace Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Peace Officer may commence court proceedings against such person by:
 - (a) Issuing the person a violation ticket pursuant to the provisions of Part 2 of the Provincial

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Offenses Procedure Act; or

- (b) Swearing out an information and complaint against the person.
15. Where an Peace Officer issues a person a violation ticket in accordance with any Section of this bylaw, the Officer may either:
- (a) Allow the person to pay the specified penalty as provided for the offense in Sections 3 to 11 of this bylaw by including such specified penalty in the violation ticket; or
 - (b) Require a court appearance of the person where the Peace Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offenses Procedure Act.
16. No provision of this bylaw nor any action taken pursuant to any provision of this bylaw shall restrict, limit, prevent or preclude the Municipal District from pursuing any other remedy in relation to a premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

SEVERABILITY

17. Each provision of this bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

STRICT LIABILITY OFFENSE

18. It is the intention of Council that all offenses created by this bylaw be interpreted to be strict liability offenses.

REPEAL

19. Bylaw C-5112-99 is hereby repealed.

EFFECTIVE DATE

20. This Bylaw shall come into force and take effect when it has received third and final reading and is

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signed.

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 17th day of June, 2003, on a motion by Councillor Habberfield.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 17th day of June, 2003, on a motion by Councillor Cameron.

Permission to give third and final reading was carried unanimously in open Council, assembled in the City of Calgary, in the Province of Alberta, this 17th day of June, 2003, on a motion by Councillor Konschuk.

Third and final reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 17th day of June, 2003, on a motion by Councillor Goode.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY