

BYLAW C-8565-2024

A bylaw of Rocky View County, in the Province of Alberta, to regulate littering within Rocky View County.

WHEREAS the *Municipal Government Act* grants Council the authority to pass bylaws for municipal purposes respecting the following matters:

- (1) the safety, health, and welfare of people and the protection of people and property;
- (2) people, activities, and things in, on, or near a public place or a place that is open to the public; and
- (3) the enforcement of bylaws;

AND WHEREAS section 7 of the *Municipal Government Act* provides that a council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS the purpose of this bylaw is to regulate littering within Rocky View County;

AND WHEREAS littering on public or private property has a negative impact on the environment, public safety, and the overall quality of life for the residents of Rocky View County;

NOW THEREFORE, the Council of Rocky View County, duly assembled, hereby enacts as follows:

Title

- 1 This bylaw may be cited as the *Litter Bylaw*.

Definitions

- 2 Words in this bylaw have the same meaning as set out in the *Municipal Government Act* except for the definitions provided in Schedule 'A' of this bylaw.

Interpretation

- 3 When not consistent with the context, words in this bylaw:
 - (1) used in the present tense include the past and future;
 - (2) used in the plural include the singular; and
 - (3) used in the masculine gender include feminine and neuter genders.
- 4 When the word "shall" is used in this bylaw, it is to be interpreted as mandatory and not merely directory.

- 5 No provision in this bylaw shall be construed as preventing a person from disposing of approved litter at a waste management facility or in any other manner approved under any permit, regulation, or another bylaw or legislation.

General Prohibitions

- 6 No person shall dispose of, or cause to be disposed, litter on public land unless said litter is placed in an approved receptacle provided for that purpose.
- 7 No person shall dispose of, or cause to be disposed, litter on a highway unless said litter is placed in an approved receptacle provided for that purpose.
- 8 No person shall dispose of, or cause to be disposed, litter on private property unless said person has the expressed consent of the owner of that property.
- (1) The onus rests solely with the person disposing of the litter to prove consent by a property owner to have litter disposed of on their property.
- 9 No person shall dispose of, or cause to be disposed, litter on any property in such a manner that said litter does, or is likely to, move to another property through the application of natural forces or leaching.
- 10 No person shall dispose of, or cause to be disposed, litter on, into, or under water or ice.
- 11 No person shall place, abandon, throw, or otherwise allow any litter to be improperly disposed of from any bridge or overpass onto a highway, public land, body of water.
- 12 No person shall dispose of any type of burning substance or material from a vehicle onto any portion of any highway or public land.
- 13 No person shall obstruct, hinder, or impede an Enforcement Officer or Rocky View County employee, contractor, or agent in the exercise of any of their powers or duties under this bylaw or make frivolous or vexatious complaints.

Offences and Penalties

- 14 A person who violates any provision of this bylaw is guilty of an offence, and the specified penalty for the offence is as set out in Schedule 'B' of this bylaw.
- 15 Where there is a minimum penalty listed for an offence in Schedule 'B' of this bylaw, that amount is the minimum penalty for the offence. If there is no specific fine listed in Schedule 'B' of this bylaw for a particular offence, the specified penalty is \$1,000.00 and the minimum penalty is \$700.00.
- 16 When a motor vehicle is involved in the commission of an offence under this bylaw, the registered owner of said motor vehicle shall be deemed to have committed the offence.

General Penalty Provision

- 17 In accordance with the *Municipal Government Act*, any person that violates any provision of this bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of

\$10,000.00 or, in default of payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

Enforcement

- 18 When an Enforcement Officer has reasonable and probable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence court proceedings against such person by:
- (1) issuing the person a violation ticket pursuant to the *Provincial Offences Procedure Act*; or
 - (2) swearing out an information and complaint against the person.
- 19 Where an Enforcement Officer issues a person a violation ticket in accordance with section 18 of this bylaw, the Enforcement Officer may either:
- (1) allow the person to pay the specified penalty established in Schedule 'B' of this bylaw for the offence by including such specified penalty in the violation ticket; or
 - (2) require a court appearance of the person where the Enforcement Officer believes that such an appearance is in the public interest pursuant to the provisions of the *Provincial Offences Procedure Act*.
- 20 No provision of this bylaw, nor any action taken pursuant to any provision of this bylaw, shall in any way restrict, limit, prevent, or preclude Rocky View County from pursuing any other remedy in relation to an offence, as may be provided by the *Municipal Government Act* or any other law of the Province of Alberta.

Vicarious Liability

- 21 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred during the employee's employment with the person or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

Severability

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

Strict Liability Offence

- 23 It is the intention of Council that all offences created by this bylaw be interpreted to be strict liability offences.

Transitional

- 24 Rocky View County Bylaw C-5754-2003, being the *Litter Bylaw*, and any amendments thereto, are repealed upon this bylaw passing and coming into full force and effect.

25 Bylaw C-8565-2024 is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.

READ A FIRST TIME this 3rd day of December, 2024

READ A SECOND TIME this 3rd day of December, 2024

UNANIMOUS PERMISSION FOR THIRD READING
this 3rd day of December, 2024

READ A THIRD AND FINAL TIME this 3rd day of December, 2024



Reeve



Chief Administrative Officer

December 3 2024

Date Bylaw Signed

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Schedule 'A' – Definitions

- 1 **“Council”** means the duly elected Council of Rocky View County.
- 2 **“County”** means Rocky View County.
- 3 **“Court”** means a court of competent jurisdiction in the Province of Alberta.
- 4 **“Dispose”** or **“disposed”** means whether intentionally or unintentionally to release, dump, discard, abandon, emit, or bury.
- 5 **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer appointed in accordance with the *Peace Officers Act*, or a Bylaw Enforcement Officer employed by Rocky View County in accordance with the *Municipal Government Act*.
- 6 **“Highway”** has the same meaning as in the *Traffic Safety Act*.
- 7 **“Land Titles Act”** means the *Land Titles Act*, RSA 2000, c L-4, as amended or replaced from time to time.
- 8 **“Litter”** means any solid or liquid material or product, or combination of solid or liquid material or product, including but not limited to:
- (1) garbage, recyclable and non-recyclable materials, compostable material, liquid waste, human or animal excrement, or the whole or part of an animal carcass; or
 - (2) the whole or part of any article, raw or processed material, vehicle, or other machinery that is disposed of in a manner contrary to this bylaw.
- 9 **“Motor vehicle”** has the same meaning as in *Traffic Safety Act*.
- 10 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 11 **“Owner”** means jointly and severally:
- (1) any person registered as the owner of land under the *Land Titles Act*;
 - (2) the person who is recorded as the owner of property on the County’s assessment roll;
 - (3) a person who has become the beneficial owner of property but who has not yet become the registered owner thereof;
 - (4) a person holding themselves out as the person exercising the power or authority of ownership or who, for the time being, exercises the powers and authority of ownership over the property;

- (5) a person in control of property; or
 - (6) a person who is the occupant of the property.
- 12 **“Peace Officers Act”** means the *Peace Officers Act*, RSA 2000, c P-3.5, as amended or replaced from time to time.
- 13 **“Person”** means any individual or business entity, including, but not limited to, a firm, joint venture, proprietorship, association, corporation, organization, partnership, company, society, or any other legal entity.
- 14 **“Property”** means any lands, buildings, structures or premises, or any personal property located thereupon, and any motor vehicles.
- 15 **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended or replaced from time to time.
- 16 **“Public land”** means property owned by, or under the control of, Rocky View County, but does not include a highway.
- 17 **“Rocky View County”** means Rocky View County as a municipal corporation and the area within its jurisdictional boundaries, as the context so requires.
- 18 **“Traffic Safety Act”** means the *Traffic Safety Act*, RSA 2000, c T-6, as amended from time to time.
- 19 **“Violation ticket”** means a ticket issued pursuant to the provisions of the *Provincial Offences Procedure Act*.
- 20 **“Waste management facility”** means a facility, having all necessary permits issued by Rocky View County and the Province of Alberta, for the collection, storage, treatment, or disposal of waste.

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Schedule 'B' – Specified Penalties

Section	Offence	Specified Penalty	Minimum Penalty
6	Dispose of litter on public land	\$1,000	\$700
7	Dispose of litter on highway	\$1,000	\$700
8	Dispose of litter on private property without permission	\$1,000	\$700
9	Dispose of litter in a manner that leaches or transfers to another property	\$1,000	\$700
10	Dispose of litter on, into, or under water or ice	\$1,000	\$700
11	Dispose of litter from bridge or overpass	\$1,000	\$700
12	Dispose of burning substance from motor vehicle	\$1,000	\$700
13	Obstruct an Enforcement Officer	\$1,500	\$700
16	Registered owner of a motor vehicle involved in a littering offence	\$1,000	\$700