



**CITY OF BROOKS
BYLAW NO. 12/06**

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ABATEMENT OF THE PRACTICE OF DEPOSITING LITTER ON STREETS, LANES OR ANY PUBLIC PLACE IN THE CITY.

WHEREAS the Municipal Government Act RSA 2000, c.M-26 and regulations as amended, provides that Council may pass bylaws in relation to services provided by or on behalf of the municipality;

WHEREAS the depositing of litter on streets, lanes and public places causes an unsightly condition and could create a danger to public safety, health and welfare;

NOW, THEREFORE, the Council of the City of Brooks, in the Province of Alberta, hereby enacts as follows:

TITLE:

1. This Bylaw may be referred to as the "Litter" Bylaw.

DEFINITIONS:

2. In this Bylaw, unless the content otherwise requires:
 - a. "**Act**" means the Municipal Government Act RSA 2000 c-M-26 and regulations made under the Municipal Government Act as amended;
 - b. "**Bylaw Enforcement Officer**" means the person appointed by the Chief Administrative Officer for the purpose of enforcing compliance of City Bylaws;
 - c. "**Chief Administrative Officer**" means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;
 - d. "**City**" means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
 - e. "**Council**" means the Municipal Council of the City of Brooks;
 - f. "**Litter**" means any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:
 1. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or a part of an animal carcass or;

2. the whole or part of any article, raw or processed material, Motor Vehicle or other machinery, that is disposed of, or;
 3. any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended and the Regulations thereunder.
- g. **"Peace Officer"** means a Community Peace Officer or a member of the Royal Canadian Mounted Police;
 - h. **"Person"** means a natural person, corporation, partnership, proprietorship and company;
 - i. **"Violation Tag"** means a tag or similar document issued by the City Pursuant to the Act;
 - j. **"Violation Ticket"** means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended and any Regulations thereto.

GENERAL:

3. No person shall place, abandon, throw or deposit any litter as defined within this Bylaw on any street, lane or public place in the City whereby such objects may cause danger, damage or inconvenience to pedestrians or vehicles using such streets, lanes or public places, or may cause unsightly conditions.
4. No person shall place, abandon, throw or deposit any litter as defined within this Bylaw in any public park, playground, sports ground, arena, or other place of public assembly to which the public may be admitted where such objects may cause danger, damage or inconvenience to those persons using such places or premises, provided such items may be lawfully left at such places or premises when in waste receptacles.

PENALTIES AND OFFENCES:

5. Any person who contravenes any provision of this Bylaw is guilty of an offence and shall pay a specified penalty as outlined in Schedule "A" attached.

ENFORCEMENT:

6. A Bylaw Enforcement Officer or a Peace Officer is for the purposes of enforcement of this Bylaw, a Designated Officer of the City.
7. Any person who breaches any provision of the Bylaw is guilty of an offence and liable:
 - a) upon the issuance of a Violation Tag to the specified penalty as listed on Schedule "A" attached to and forming part of this Bylaw; or,

- b) upon summary conviction to a fine of not less than the amount specified on Schedule "A" attached to and forming part of this Bylaw for each offence, exclusive of costs.
 - c) a Bylaw Enforcement Officer or a Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.
8. A Violation Tag shall be deemed to be sufficiently served if:
- a) served personally on the accused; or,
 - b) mailed to the address of the registered owner of the property concerned or to the person concerned; or,
 - c) served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any premises of a corporation accused, or by mailing a copy to such corporation by registered mail.
9. A Violation Tag shall state:
- a) the name of the Person;
 - b) the municipal or legal description of the land on or near where the offence took place;
 - c) the offence;
 - d) the penalty for the offence set out on Schedule "A" of the Bylaw;
 - e) that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag;
 - f) any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the Provincial Offences Procedure Act, RSA 2000, c P-34 as amended.
10. Where a breach of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer or a Peace Officer and the offender shall be subject to a penalty for each subsequent offence as outlined in Schedule "A".
11. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.

12. Where a Violation Tag has been issued for breach of any provision of this Bylaw the penalty shall be reduced as outlined in Schedule "A" if paid to the Treasurer within five (5) days of the date of issuance.
13. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
 - a) if a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
 - b) any person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended, or as repealed from time to time.

SEVERABILITY:

14. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions herein shall remain valid and enforceable.

REPEAL OF BYLAW

15. That Bylaw No. 74/116 and amendments thereto be hereby repealed


EFFECTIVE DATE

16. This Bylaw shall take effect at the date of final passing thereof.

Read a first time this 6th day of February, 2012.

Read a second time this 6th day of February, 2012.

Read a third time and finally passed this 6th day of February, 2012.


D/ _____
Mayor



Chief Administrative Officer

CITY OF BROOKS

BYLAW NO. 12/06

SCHEDULE "A"

PENALTIES:

PART I

For any contravention of any provision of Bylaw No.: 12/06

	Penalty:
First Offence	\$200.00
Second and Subsequent Offences	\$250.00

PART II

When payment to the Treasurer has been received within five (5) days of the date of issuance.

	Penalty:
First Offence	\$150.00
Second and Subsequent Offences	\$200.00