

BY-LAW NUMBER 2018/53

BY-LAW NO. 2018/53 is a Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta for the regulation of Municipal Reserve, Environmental Reserve, Conservation Reserve and Public Utility Lot.

WHEREAS: Section 7 of the *Municipal Government Act*, Chapter M-26, 2000, and amendments thereto, of the Province of Alberta, provide that a Municipal Council may pass bylaws for the protection and preservation of Municipal Reserve, Environmental Reserve, Conservation Reserve and Public Utility Lot.

NOW THEREFORE: the County of Wetaskiwin No. 10, In the Province of Alberta, duly assembled, hereby enacts as follows:

1) TITLE

This Bylaw may be cited as the "Municipal, Environmental and Conservation Reserve and Public Utility Lot Bylaw"

2) DEFINITIONS

In the Bylaw unless the context otherwise requires:

- a) **"Act"** means the *Municipal Government Act*, R.S.A.2000, C.M-26, as amended from time to time;
- b) **"Bylaw Enforcement Officer"** means a person appointed under Section 555 and 556 of the Act, to enforce the County Bylaws, and includes, but is not limited to, a member of the Royal Canadian Mounted Police (RCMP), Community Peace Officers as appointed under the *Peace Officers Act*, or Bylaw Enforcement Officers who is authorized to enforces Bylaws of the County.
- c) **"Conservation Reserve"** Conservation Reserve allows for the purchase of environmentally significant land to form a Conservation Reserves in accordance with Section 664.2 of the *Municipal Government Act* as defined in the Land Use Bylaw 2017/48.
- d) **"Council"** shall mean the Council for the County of Wetaskiwin No. 10;
- e) **"County"** shall mean the County of Wetaskiwin No. 10;
- f) **"Designated Officer"** means a Designated Officer as defined in the Act;
- g) **"Environmental Reserve"** Environment Reserve allows for the dedication and existence of environmental reserves in accordance with Section 664 of the *Municipal Government Act* as defined in the Land Use Bylaw 2017/48.
- h) **"Land Use Bylaw"** refers to the County of Wetaskiwin Bylaw 2017/48 which regulates the use, conservation, and development of land, habitat, buildings and signs in pursuit of the objectives of County of Wetaskiwin's statutory plans.
- i) **"Motor Vehicle"** means a motor vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000, c.M-26 and amendments thereto;

- j) **"Municipal Reserve"** Municipal Reserve allows for the dedication and existence of Municipal Reserves in accordance with Section 665 and 666 of the *Municipal Government Act* as defined in the Land Use Bylaw 2017/48.
- k) **"Off-Highway Vehicle"** means an off-highway vehicle as defined in the Off Highway Vehicle Regulation AR139/2002 and amendments thereto;
- l) **"Permit"** shall mean a term used to describe the registration envelope and system to collect user fees and or a form of written permission from a Peace Officer/Bylaw officers;
- m) **"Person"** means an individual, groups of persons, a firm, a partnership or a body corporate;
- n) **"Public Lands"** means all lands under the ownerships and control of Her Majesty the Queen in Right of Canada, her Majesty the Queen in Right of Alberta, or the County.
- o) **"Public Utility Lot"** means land required to be used for public utility purpose.
- p) **"Violation Ticket"** means a violation ticket issued pursuant to Part II of the Provincial *Offences Procedures Act*.

3) OFFENSES

3.1 No person shall interfere with the right of others to the quiet and peaceful enjoyment of Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot;

3.2 No person on any Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot shall:

- a) cut, break, bend, remove or in any way damage or deface any turf, tree, shrub, hedge, plant, flower or structure;
- b) dig in the earth or remove any tree, plant, shrub or man-made structure;
- c) place or erect any structures;
- d) discard any liquid or solid waste on land or water;
- e) camp or take up occupation;
- f) discharge any firearms;
- g) hunt or trap any animals;
- h) light any outdoor fire;
- i) discharge any fireworks;
- j) park or operate any motorized or off-highway vehicle in accordance with Bylaw No. 2012/13;

3.3 No person shall, without written authorization:

- a) create a trail through a Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot in accordance with the Land Use Bylaw;
- b) graze livestock or harvest hay on a Municipal Reserve or Public Utility Lot;
- c) display or post any sign or advertisement in the Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot;

3.4 No person shall obstruct any Bylaw Enforcement or Peace Officer in the performance of his/her investigation and lawful authority to enforce this bylaw;

4) ENFORCEMENT

4.1 A Bylaw Enforcement Officer or Designate may investigate any complaint received in relations to any Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot.

4.2 A Bylaw Enforcement Officer or Designate may enforce the provision of this By-law, and may issue a Violation Ticket to any person who violates any provision of this Bylaw as set out in Section 8 of this Bylaw.

5) RECLAIMING

5.1 The owner of any property removed from a Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot may reclaim their property by paying to the County the fee or fees owing as set out in Section 7 of this Bylaw;

6) DISPOSAL

6.1 The Bylaw Enforcement Officer shall not sell, destroy or otherwise dispose of property removed from a Municipal Reserve, Environmental Reserve, Conservation Reserve or Public Utility Lot for thirty (30) days from the date of removal.

7) PENALTIES

7.1 Any person who violates any provisions of this Bylaw is guilty of an offence and is liable on summary conviction to:

- a) For a first offence, a fine of five hundred dollars (\$500).
- b) For subsequent offences, a fine of one thousand dollars (\$1,000).
- c) If property is taken into County control, a two hundred Dollar (\$200) removal and storage fee shall also be charged.

8) VIOLATION TICKETS

8.1 Where a Bylaw Enforcement Officer believes that a Person has contravened any provision of this Bylaw, he or she may serve upon such person a violation ticket provided by this Section either personally or by mailing or leaving the same at his/her last known address and such service shall be adequate for the purpose of this Bylaw.

8.2 A violation ticket shall be in such form as determined by the County and shall state the Section of the Bylaw which was contravened and the amount which is provided in Section 7 of this Bylaw, that will be accepted by any in lieu of prosecution.

8.3 Notwithstanding the provisions of this Section, a person to whom a violation ticket has been issued pursuant to this Section may exercise his or her right to defend any charge of committing a contravention of any of the provisions of this Bylaw

8.4 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedures Act, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

9) SUMMARY CONVICTION

9.1 A person who contravenes a provision of this Bylaw by doing something which he or she is prohibited from doing, by failing to do something which he or she is required to do or by doing something in a manner different from that in which he or she is required or permitted to do by this Bylaw, is guilty of an offence and liable upon summary conviction to a fine for an other offence under this Bylaw, or upon failure to pay the fine and costs to imprisonment for a period not exceeding ninety (90) days unless such fine and costs are committal are paid sooner.

9.2 The levying and payment for any fine or the imprisonment for any period provided in the Bylaw shall not relieve a person from the necessity of paying any fee, charges, or cost for which he or she is liable under the provisions of this Bylaw.

10) SEVERABILITY

10.1 Should any provision of this Bylaw be declared invalid by a court of competent jurisdiction, then such provision shall be severed and the remaining Bylaw shall be maintained.

This Bylaw shall come into effect on the date of passing thereof.

READ: A First time this 16 day of October, A.D., 2018.

READ: A Second time this 16 day of October, A.D., 2018.

READ: A Third time and finally passed this 16 day of October, A.D., 2018

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER