

BY-LAW NUMBER 2015/36

BY-LAW NO. 2015/36 is a By-Law of the County of Wetaskiwin No. 10 in the Province of Alberta, to restrict the Use of Cosmetic Lawn Fertilizer near the shores of Battle Lake, Buck Lake, Coal Lake, Pigeon Lake, Red Deer Lake and Wizard Lake.

WHEREAS pursuant to the provisions of the *Municipal Government Act* being Chapter M-26 of the Revised Statutes of Alberta, 2000, Part 2, Section 7 & 8 and amendments thereto, authorizes that Council may pass By-Laws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on or near a public place that is open to the public; and
- c) the enforcement of By-Laws; and

WHEREAS the Council of the County of Wetaskiwin No. 10 is concerned with the water quality of Battle Lake, Buck Lake, Coal Lake, Pigeon Lake, Red Deer Lake and Wizard Lake and the detrimental effects of Cosmetic Lawn Fertilizers on water quality; and

WHEREAS the Council of the County of Wetaskiwin No.10 has deemed it necessary to have restrictions on the use of Cosmetic Lawn Fertilizers within 100 meters the shores of Battle Lake, Buck Lake, Coal Lake, Pigeon Lake, Red Deer Lake and Wizard Lake.

NOW THEREFORE under the authority of the *Municipal Government Act*, the Council of the County of Wetaskiwin No. 10 in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

This By-Law will be cited as the "Cosmetic Lawn Fertilizer By-Law".

2. DEFINITIONS

In the By-Law unless the context otherwise states:

- (a) **"Apply"** means to put to use, spray, distribute, or employ and "applies" and "application" have similar meanings;
- (b) **"By-Law Enforcement Officer"** shall mean,
 - i. a person appointed under Section 555 and 556 pursuant to the Municipal Government Act, RSA 2000, Chapter M-26, employed or contracted by the County to enforce the County By-Laws;
 - ii. a Community Peace Officer as defined under the Peace Officer Act, SA 2006, Chapter P-3.5;
 - iii. a member of the Royal Canadian Mounted Police (RCMP);
- (c) **"County"** means the County of Wetaskiwin No. 10, in the Province of Alberta;
- (d) **"Cosmetic Lawn Fertilizer"** means any substance or mixture of substances, containing nitrogen, phosphorus,

potassium or other plant food that is manufactured, sold or represented for use as a plant nutrient or aid to plant growth;

- (e) **“Lands”** includes land, buildings, fences, excavations, stockpiles, structures and appurtenances, or any personal property located thereupon, within the municipal boundaries of the County, including the external surfaces of all buildings and the whole or part of any land, including land immediately adjacent to any building or buildings, situated in whole or in part within the County and includes any land or buildings owned or leased by the County;
- (f) **“Shoreline”** means the line where a body of water and the land bordering the body of water meet;
- (g) **“Soil Test”** means a test conducted by a soil tester of soil taken from the surface of which a person plans to apply Cosmetic Lawn Fertilizer to determine whether soil contains a sufficient amount of substances to support turf growth;
- (h) **“Soil Tester”** means a company or organization that is accredited to perform soil tests in the Province of Alberta on Alberta soils.

3. **PROHIBITION**

The use of Cosmetic Lawn Fertilizers, other than natural compost, is prohibited within one hundred (100) metres of the shoreline of Battle Lake, Buck Lake, Coal Lake, Pigeon Lake, Red Deer Lake or Wizard Lake in the County of Wetaskiwin No. 10.

4. **EXCEPTIONS**

This By-Law does not apply to the application of Cosmetic Lawn Fertilizer:

- (a) on lands used for the purpose of agriculture,
- (b) on lands used as a golf course or a golf driving range where that land use is in accordance with the zoning in the Land Use By-Law,
- (c) on lands used for horticultural production, such as greenhouse or market garden,
- (d) lands used as nursery stock for tree production or reforestation, or
- (e) lands used for turf grass or sod production.

5. **COMPLAINT PROCESS**

- (a) Cosmetic Lawn Fertilizer complaints shall be referred to a By-Law Enforcement Officer.
- (b) The Complainant must provide their first and last name, their contact number, and the legal land description or rural address of the property suspected of using Cosmetic Lawn Fertilizer in order to have a complaint file started. Prior to the issuance of a violation ticket the Freedom of Information and Protection of Privacy Act (FOIP) protects the identity of the Complainant.

6. **ENFORCEMENT**

- (a) A complaint may be investigated and enforced by a By-Law Enforcement Officer.

- (b) Without limiting Section 1, for the purpose of conducting an inspection to determine whether a person is complying with this By-Law, a By-Law Enforcement Officer may:
 - i. enter onto lands at a reasonable time;
 - ii. require the production for inspection documents or thing relevant to the inspection;
 - iii. require information from any person concerning a matter related to the inspection; and
 - iv. take photographs and/or soil samples.
- (c) No person shall hinder or obstruct any person exercising a power or performing a duty under this By-Law.
- (d) No person required to produce documents, things or information by a By-Law Enforcement Officer shall fail to respond forthwith.

7. PENALTIES

- (a) Any person who contravenes or fails to comply with any provision of this By-Law shall be liable upon conviction thereof to a penalty as identified in Schedule "A" attached hereto.
- (b) A By-law Enforcement Officer, in lieu of proceeding with any punishment by way of prosecution may issue a violation ticket to any person alleged to have committed one or more breaches of this By-Law.

The violation ticket shall state the alleged offence and require the forfeiture and payment of the appropriate fine as provided for in Schedule "A" attached hereto.

8. SEVERABILITY

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

9. EFFECTIVE DATE

This By-Law shall come into full force and effect upon third and final reading thereof.

READ: A First time this 9th day of June, A.D., 2015.

READ: A Second time this 9th day of June, A.D., 2015.

READ: A Third time and finally passed this 7th day of July A.D., 2015

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER

COUNTY OF WETASKIWIN NO. 10

COSMETIC LAWN FERTILIZER BY-LAW NO. 2015/36

SCHEDULE "A"

PENALTIES

1. A penalty of \$1,000.00 (ONE THOUSAND DOLLARS) shall be levied against and paid by any person who commits a breach of any of the provisions of this By-Law.
2. A penalty of \$2,000.00 (TWO THOUSAND DOLLARS) shall be levied against and paid by any person who commits for a second time a breach of any provision of this By-Law provided the offence is committed within twelve (12) months of the commission of the first offence.
3. A penalty of \$3,000.00 (THREE THOUSAND DOLLARS) shall be levied against and paid by any person who commits for a third time a breach of any provision of this By-Law provided the offence is committed within twelve (12) months of the commission of the second offence.
4. A penalty of \$5,000.00 (FIVE THOUSAND DOLLARS) shall be levied against and paid by any person who commits a fourth breach and any subsequent breaches of any provision of this By-Law provided the offence is committed within twelve (12) months of the commission of the third offence.