

SUMMER VILLAGE OF CRYSTAL SPRINGS

BYLAW #236

**A BYLAW OF THE SUMMER VILLAGE OF CRYSTAL SPRINGS IN THE PROVINCE OF ALBERTA
TO RESTRICT THE USE OF FERTILIZERS, HERBICIDES AND PESTICIDES**

WHEREAS the Municipal Government Act (Alberta) authorizes the council of a local municipality to pass a bylaw regulating the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place that is open to the public; and the enforcement of bylaws;

AND WHEREAS the Council of the Summer Village is concerned with the water quality of Pigeon Lake and the detrimental effects of fertilizers and pesticides on water quality;

AND WHEREAS the Council of the Summer Village has deemed it necessary to have restrictions on the use of fertilizers and pesticides in the Summer Village;

NOW THEREFORE, under the authority of the Municipal Government Act (Alberta), the Council of the Summer Village, duly assembled, hereby enacts as follows:

1 - NAME

This Bylaw will be known as the "Restricted Use of Fertilizers, Herbicides and Pesticides Bylaw".

2 - DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- (a) "Bylaw Enforcement Officer" means any person appointed by Council of the Summer Village or the Summer Village CAO to enforce this Bylaw.
- (b) "Council" means the elected council of the Summer Village.
- (c) "Fertilizer" means any substance or mixture of substances, containing nitrogen, phosphorus, potassium or other chemicals that is manufactured, sold or represented for use as a plant nutrient or aid to plant growth provided that, for greater certainty, "Fertilizer" does not include natural vegetative compost.
- (d) "Herbicide" means a chemical substance used to control or manipulate undesirable vegetation especially weeds.

- (e) "Owner" means with respect to a property located within the municipal boundaries of the Summer Village.
- (e) "Pesticide" means any substance or mixture of substances that is manufactured, sold or represented for destroying unwanted pests or other unwanted organisms or unwanted plants including, without limitation, weeds, fungi, insects and microbes.
- (g) "Summer Village" means the Summer Village of Crystal Springs.
- (h) "Summer Village CAO" means the chief administrative officer of the Summer Village.

3. PROHIBITION

- (a) No person shall apply, spray, distribute or otherwise use, or cause to be applied, sprayed, distributed or otherwise used, any Fertilizers, Herbicides or Pesticides on any property located within the municipal boundaries of the Summer Village except (i) as permitted in accordance with sections 3(b) and (c) below, or (ii) with the prior written consent or approval of the Summer Village CAO. When deciding whether or not such consent or approval should be given, the Bylaw Enforcement Officer or the Summer Village CAO shall assess, in his/her opinion, whether the application or use of such Fertilizers or Pesticides could reasonably be expected to cause harm to, or adversely affect the water quality of, Pigeon Lake or the ground water under one or more properties located within the municipal boundaries of the Summer Village.
- (b) Notwithstanding section 3(a) above, Fertilizers may be applied to vegetable gardens, flower gardens, trees and shrubs provided that the application is done in moderation and in a reasonable manner.
- (c) Notwithstanding section 3(a) above, Herbicides and Pesticides may be used to control (i) noxious weeds or prohibited noxious weeds, as such terms are defined in the Weed Control Act (Alberta) and its applicable regulations, and (ii) unwanted insects or pests (including, without limitation, wasps, hornets, slugs and aphids), provided that in the case of each of clauses (i) and (ii), the application is done in moderation and in a reasonable manner.
- d) Notwithstanding sections 3 (a) – (c) above, residents can make an appeal to the Council of the Summer Village and make a presentation on their choice of fertilizer, herbicide and pesticide that they are considering applying.

4. ENFORCEMENT

- (a) A person who contravenes this Bylaw is guilty of an offence.
- (b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on

which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

- (c) A person who is guilty of an offence is liable to pay a fine in an amount as outlined in Schedule "A".
- (e) Upon receiving a complaint or observing a breach of this Bylaw, a Bylaw Enforcement Officer will follow Schedule A.
- (f) In connection with the enforcement of this Bylaw, a Bylaw Enforcement Officer may (i) enter upon the applicable property at any reasonable time, and (ii) take any action which is reasonably required to enforce this Bylaw including, without limitation, taking samples of the soil or the plants located on the applicable property.
- (g) No person shall hinder or obstruct a Bylaw Enforcement Officer exercising a power or performing a duty under this Bylaw.
- (h) Any unpaid fines levied under this Bylaw shall form part of the property taxes payable by the Owner of the applicable property in respect of the immediately following taxation year.

5. GENERAL

- (a) Without restricting another power, duty or function granted by this Bylaw, the Summer Village CAO may (i) delegate any powers, duties or functions under this Bylaw to any employee or contractor of the Summer Village and (ii) establish forms for the purposes of this Bylaw.
- (b) Each separate provision of this Bylaw shall be deemed independent of all other provisions and if any provisions of this Bylaw shall be declared invalid, then all other provisions shall remain valid and enforceable.


6. EFFECTIVE DATE

This Bylaw shall come into full force and effect upon third reading thereof.


Read a first time this 1st day of November, 2018.

Read a second time this 1st day of November, 2018.

Read a third time and finally passed this 14th day of November, 2018



Ian Rawlinson, Mayor
Summer Village of Crystal Springs



Sylvia Roy, C.A.O.
Summer Village of Crystal Springs

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BYLAW #236 – RESTRICTED USE OF FERTILIZERS, HERBICIDES AND PESTICIDES
BYLAW**

SCHEDULE "A"

PENALTIES

1. A warning shall be issued to the offender and/or the Owner of the applicable property.
2. A penalty of \$250.00 (TWO HUNDRED AND FIFTY DOLLARS) shall be levied against and paid by any person who commits a breach of any of the provisions of this Bylaw.
3. A penalty of \$500.00 (FIVE HUNDRED DOLLARS) shall be levied against and paid by any person who commits for a second time a breach of any provision of this Bylaw provided the offence is committed within twelve (12) months of the commission of the first offence.
4. A penalty of \$1,000.00 (ONE THOUSAND DOLLARS) shall be levied against and paid by any person who commits for a third time a breach of any provision of this Bylaw provided the offence is committed within twelve (12) months of the commission of the second offence.
5. A penalty of \$2,000.00 (TWO 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 Bylaw provided the offence is committed within twelve (12) months of the commission of the third offence.