VILLAGE OF SPRING LAKE

BYLAW #399

A BYLAW OF THE VILLAGE OF SPRING LAKE IN THE PROVINCE OF ALBERTA TO RESTRICT THE USE OF FERTILIZERS AND HERBICIDES.

WHEREAS, Municipal Government Act being Chapter M·26 of the Revised Statutes of Alberta, 2000, amendments thereto, 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 Village of Spring Lake is wanting to protect the health of Spring Lake and environmental sensitive lands from the detrimental effects of fertilizers and pesticides;

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

NOW THEREFORE, the Council of the Village of Spring Lake, duly assembled, 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 or the Chief Administrative Officer of the Village of Spring Lake to enforce this Bylaw.

b) "CAO" means the chief administrative officer of the Village of Spring Lake

c) "Council" means the elected council of the Village of Spring Lake

d) "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.

e) "Herbicide" means a chemical substance used to control or manipulate undesirable vegetation especially weeds.

f) "Owner" means with respect to a property located within the municipal boundaries of the Village of Spring Lake.

g) "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.

h) "Village" means the Village of Spring Lake.

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 Village except (i) as permitted in accordance with sections 3(b) and 3(c).

b) Notwithstanding section 3(a) above, Fertilizers may be applied to vegetable gardens, flower gardens, trees, shrubs and new sod 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), 3(b) and 3(c), residents can make an appeal to Council 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".

d) Upon receiving a complaint or observing a breach of this Bylaw, a Bylaw Enforcement Officer will follow Schedule "A".

e) 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.

f) No person shall hinder or obstruct a Bylaw Enforcement Officer exercising a power or performing a duty under this Bylaw.

g) 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 CAO may
   i. delegate any powers, duties or functions under this Bylaw to any employee or contractor of the 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

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

Read a first time this 8th day of November, 2022.

Read a second time this 13th day of December, 2022.

Read a third time this 14th day of February, 2023

Village of Spring Lake

Jason S

Mayor

Chief Administrative Officer

VILLAGE OF SPRING LAKE

BYLAW #399 - 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 second 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 third 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 fourth 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 fifth 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.