

By-law No. 154/2011

BEING A BY-LAW OF THE TOWN OF BENTLEY, IN THE PROVINCE OF ALBERTA, TO PROHIBIT THE TRANSPORTATION OF AGRICULTURAL WASTE WITHIN THE TOWN OF BENTLEY

WHEREAS, the Municipal Government Act, R.S.A., 2000, Chapter M-26 and amendments thereto allows a Municipality to pass by-laws respecting the safety, health and welfare of people and the protection of people and property and the transport and transportation systems thereon;

AND WHEREAS, the Traffic Safety Act, R.S.A., 2000, Chapter T-6 and amendments thereto authorizes a municipality to make bylaws to regulate and control vehicles;

AND WHEREAS, the Council of the Town of Bentley deems it expedient to prohibit the transportation of agricultural waste on any highway under the control and/or responsibility of the Town of Bentley;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BENTLEY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This by-law shall be cited as the "Transportation of Agricultural Waste By-law".
2. In this By-law, the following definitions shall apply;
 - a) "Agricultural Waste" means any animal manure from any manure collection area or manure storage facility,
 - b) "Carrier" means any person, firm or corporation conveying agricultural waste on any road under the control of the Town of Bentley.
 - c) "Carrier Vehicle" means any vehicle, owned, operated or used by a carrier to transport or convey agricultural waste.



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- c) "Highway" shall have the same meaning as defined under the Traffic Safety Act, R.S.A., 2000 Chapter T-6 and amendments thereto
 - d) "Manure" "Manure Collection Area" and "Manure Storage Facility" shall have the same meaning as defined in the Agricultural Operation Practice Act, R.S.A., Chapter A-7 and amendments thereto.
 - e) "Peace Officer" means
 - i) a member of the Royal Canadian Mounted Police
 - ii) a Peace Officer, as appointed by the Town to enforce bylaws of the Town
 - iii) a Community Peace Officer as appointed by the Solicitor General of Alberta
 - iv) a member of the Canadian Pacific Police Service
3. No Carrier shall transport agricultural waste on any highway under the control and/or responsibility of the Town of Bentley.
- a) Any person who contravenes the provisions of this By-law is guilty of an offence and is subject to the penalty provided hereunder

Violation Penalty: \$1,000.00 per contravention
 - b) Where a Peace Officer has reasonable grounds to believe a person has contravened this By-law, he may issue and serve upon such person a municipal tag.
 - c) Service of such municipal tag shall be sufficient if it is;
 - i) personally served, or
 - ii) attached to the Carrier Vehicle in respect of which an offense is alleged to have been committed
 - iii) if mailed to the address of the registered owner of the Carrier Vehicle or to the person in possession of the said vehicle


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- d) Should a person not pay the penalty provided for contravention of this By-law within 20 days of the offence, a Provincial Violation ticket will be issued and prosecution will proceed in Provincial Court. Once a Provincial Violation ticket is issued, the By-law penalty may be subject to additional sanctions imposed by the Province.

If paid within the 20 days, the penalty amount may be paid

- i) in person at the Bentley Municipal Office by cash, certified cheque, credit card, debit card or money order, or
 - ii) by mail or deposit in the drop box, located at the entrance to the Bentley Municipal Office, by certified cheque or money order, payable to the Town of Bentley.
- e) Nothing in this part shall;
- i) prevent any person from exercising his right to defend any charge laid for contravention of this By-law
 - ii) prevent any Peace Officer in lieu of serving a municipal tag or any person from laying any information or complaint against any person for contravention of this By-law, or
 - iii) prevent any person from laying any information against any other person, whether such person has made payment under the provisions of this By-law.

This By-law shall come into force and effect on the date of the final passing thereof.

Read a first time this 25th day of November, 2011

Read a second time this 25th day of November, 2011

Read a third and final time this 25th day of November, 2011



Mayor



Chief Administrative Officer