

CITY OF SPRUCE GROVE

BYLAW C-535-04

PROHIBITION OF BURNING COAL BYLAW

Being a Bylaw of the City of Spruce Grove in the Province of Alberta to prohibit the burning of coal within the municipal boundaries of the City of Spruce Grove.

WHEREAS, The Municipal Government Act, RSA, 2000, c. M-26 grants the Municipal Council of the City of Spruce Grove the authority to pass Bylaws respecting the safety, health and welfare of people and the protection of people and property, and nuisances, and

WHEREAS, The Municipal Council of the City of Spruce Grove deems it appropriate and in the community interest to prohibit the burning of coal within the City,, in order to protect the safety, health and welfare of people, the protection of people and property and to prohibit a nuisance within the City of Spruce Grove.

NOW THEREFORE, The Municipal Council of the City of Spruce Grove, duly assembled hereby enacts as follows:

Section 1 Definitions

- 1.1 "Act" shall mean the Municipal Government Act, RSA 2000, c.M-26.
- 1.2 "City" shall mean the City of Spruce Grove.
- 1.3 "Coal" shall mean the compressed remains of ancient plants utilized as a fossil fuel. For the purposes of this Bylaw "Coal" shall include – but not be limited to – the following types of coal fuels:
 - lignite;
 - sub-bituminous;
 - bituminous; and
 - anthracite.
- 1.4 "Council" shall mean the Municipal Council of the City of Spruce Grove.
- 1.5 "Designated Officer" means the Chief Administrative Officer of the City or such other person as may be appointed from to time to time by the Chief Administrative Officer. For the purposes of this Bylaw, Peace Officers shall be Designated Officers.
- 1.6 "Owner" means the owner of any lot or parcel of land within the City of Spruce Grove whether or not a dwelling place or other structure is present on the land. For the purposes of this Bylaw the "Owner" shall also be deemed to be the occupant of that portion of any Highway within the City which is

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subject to the direction, management and control of the Municipal Council of the City of Spruce Grove and which adjoins the Owner's land and lies between the boundary of that land and the middle line of the highway.

- 1.7 "Peace Officer" shall mean either a member of the Royal Canadian Mounted Police or a City By-Law Enforcement Officer.
- 1.8 "Person" includes a corporation, individual, and heirs, executors, administrators or other legal representatives of an individual.
- 1.9 "Property" includes any lot, land, building, structures, parcel or other premises in the City of Spruce Grove.

Section 2 Prohibitions

- 2.1 No person being the Owner of any Property within the City of Spruce Grove shall permit the burning of coal on or in Property, the burning of coal being hereby deemed a Nuisance and detrimental to the surrounding area.

Section 3 Penalties

- 3.1. Any person who contravenes this bylaw is guilty of an offence.
- 3.2. Persons contravening certain sections of this Bylaw are liable for the penalties set out in s. 3.3.
- 3.3. The penalties for breach of s. 2.1 of this Bylaw are:
 - (1) \$250.00 for a first offence, and
 - (2) \$500.00 for any subsequent offences.
- 3.4. A notice or form commonly called a Ticket having printed wording approved by the City may be issued by a Bylaw Enforcement Officer or Peace Officer to any person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment to the City of Spruce Grove in the amount specified in this Bylaw.
- 3.5. A Ticket shall be deemed to be sufficiently served:
 - (1) If served personally upon the accused; or
 - (2) If mailed to the address of the Owner or person accused.

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- 3.6. Notwithstanding the issue of a Ticket, the City may take steps pursuant to the *Municipal Government Act* for the purposes of terminating actions that are in breach of this Bylaw.

Section 4 Liability

- 4.1 The City, any Designated Officer, any Bylaw Enforcement Officer, or any person who inspects any Property under this Bylaw, or any person who performs any work on behalf of the City to prohibit the burning of coal is not liable for any damages caused by the inspection, the work or disposing of anything to complete the work.

Section 5 Severability

- 5.1 If at any time, any provision of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

Section 6 Commencement

- 6.1 The prohibition to the burning of coal as a fuel set forth herein shall take affect within the City of Spruce Grove as of September 1, 2006.

This Bylaw comes into effect upon being given Third Reading

First Reading Carried 23 January 2006

Second Reading Carried 23 January 2006

Third Reading Carried 27 February 2006

Mayor

General Manager of Corporate Services