

County of Warner No. 5
Bylaw No. 972-21

Irrigation Sprinkling on Road Allowances Bylaw

A Bylaw of the County of Warner No. 5, in the Province of Alberta, for the purpose of prohibiting the sprinkling on highways, roads, lanes or open road allowances, by irrigation installations and equipment, hereby known as the "Irrigation Sprinkling on Road Allowances Bylaw".

WHEREAS, Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides Council with the authority to pass bylaws for municipal purposes;

AND WHEREAS, the Council of the County of Warner No. 5 is concerned about water used or intended to be used for irrigation purposes escaping from irrigated land onto a road due to the potential for reduced safety and damage of the road, and Council wishes to pass a bylaw, which prohibit, restrict, eliminate or abate such activities;

NOW THEREFORE, the Council of the County of Warner No. 5, duly assembled, hereby enacts as follows:

DEFINITIONS

1. In this bylaw including this section, unless the context otherwise requires;
 - a) **County** means the municipality of the County of Warner No. 5 and the area contained within its boundaries as the context requires;
 - b) **Irrigation Installation and Equipment** means any mechanical device for the transportation and distribution of water.
 - c) **Owner** means the person(s) or corporation shown on the Certificate of Title.
 - d) **Peace Officer** means:
 - i. a Bylaw Enforcement Officer appointed pursuant by the *Municipal Government Act*; or
 - ii. a police officer appointed pursuant to the *Police Act*; or
 - iii. a peace officer appointed pursuant to the Peace Officer Act whose appointment includes enforcement of the County's bylaws.
 - e) **Person** means any individual, proprietorship, partnership, association, or body corporation who is found in any property, whether or not he is the owner or tenant of the property and whether or not he resides in the property;
 - f) **Road** means a highway, road, lane and open road allowance under the jurisdiction of the County.
 - g) **Violation ticket** means a violation ticket issued pursuant the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, and amendments thereto.

GENERAL PROHIBITION

2. No Person shall cause, allow, or continue the operation of an Irrigation Installation or Equipment in such a manner that water, nor any part of an Irrigation Installation or Equipment is permitted to enter onto any road, roadway ditch, or culvert within the boundaries of the County.

DUTIES OF A PEACE OFFICER

3. A Peace Officer for the purpose of this bylaw may:
 - a) Investigate and/or enforce this bylaw upon being notified or upon seeing an alleged infraction, including the issuing of a Violation Ticket; and
 - b) Enforce any part of this bylaw, by written order, within the boundaries of the County by requiring the Owner to remedy the infraction in such a manner as the County may direct, including any condition on their land or with their equipment, or damage to the County road caused by the contravention of this bylaw.

RECOVERY OF COSTS

4. If the Person fails, neglects, or refuses to remedy the conditions as directed by the County, the County or their agent may enter their lands and cause such work to be done as deemed necessary. The County may charge the cost of the work to remedy the damage to the road caused by the watering of the road to the Person, and in default of payment:
 - a) Charge the cost as a debt due the County; or
 - b) Charge the cost against the land where the irrigation installations and equipment are located as taxes due and owing in respect of the land and recover the cost as taxes against the lands; and
 - c) Make any other provisions that council considers necessary to carry out the purposes of the bylaw.

PENALTIES

5. A notice or form, commonly called an Offence Ticket or Violation Ticket, may be issued by a Peace Officer to any Person alleged to have breached any provision of this bylaw, and the said notice shall require the payment to the authorized official in the amount specified in the bylaw.
6. An Offence Ticket or Violation Ticket shall be deemed to be sufficiently served:
 - a) If served personally on the accused; or
 - b) If mailed to the address of the registered Owner of the land concerned; or to the Person concerned.
7. Any Person who contravenes any provision of this Bylaw, either by doing something that is prohibited or failing to do something that is required, is guilty of an offence and is liable to a fine of:
 - a) First Offence: \$250.00
 - b) Second Offence: \$500.00
 - c) Third and Continuing Offences: \$1,000.00 per offence

REPEAL

8. Bylaw 883-10 is hereby repealed.

EFFECTIVE DATE

9. This bylaw shall take effect on the date of the third and final reading.

READ a first time this 20th day of July, 2021.

READ a second time this 20th day of July, 2021.

READ a third time and duly passed this 20th day of July, 2021.

Reeve

Chief Administrative Officer