

**CITY OF SPRUCE GROVE**

**BYLAW C-976-16**

**CONSTRUCTION SITE CLEANLINESS BYLAW**

Being a bylaw respecting construction site cleanliness in the City of Spruce Grove, Province of Alberta.

WHEREAS, Council wishes to promote the safety, health and welfare of people and the protection of people and property and to regulate nuisances, including unsightly property, as provided for under the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended;

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

**1. TITLE**

1.1 This bylaw may be cited as the “Construction Site Cleanliness Bylaw”.

**2. DEFINITIONS**

2.1 “Act” means the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended;

2.2 “Bylaw Officer” means an employee of the City of Spruce Grove appointed as such and who, in the execution of their duties, is a person employed for the preservation and maintenance of the public peace;

2.3 “City” means the municipal corporation of the City of Spruce Grove;

2.4 “Construction Site” means a site on which development is occurring for which a development permit and or a building permit have/has been issued;

2.5 “Development Officer” means the official(s) appointed by the City Manager with the responsibility of receiving, considering and deciding on applications for development permits under the City of Spruce Grove Land Use Bylaw;

2.6 “Highway” means as defined in the *Traffic Safety Act*, RSA 2000, Ch. T-6, and all amendments and successors thereto;

- 2.7 “Municipal Ticket” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- 2.8 “Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the *Peace Officer Act*, or a City Bylaw Office;
- 2.9 “Person” means any individual, corporation, firm, partnership, association, society, or registered company;
- 2.10 “Spruce Grove” means the area within the legal boundaries of the City of Spruce Grove;
- 2.11 “Subsequent Offence” means an offence committed by a person after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence;
- 2.12 “Violation Ticket” means a violation ticket as defined in the *Provincial Offences Procedure Act*.

### 3. PROCEDURES

- 3.1 For any construction site, all construction materials and excavated materials related to construction or renovation on that lot shall be confined to the construction site.
- 3.2 For any construction site, a garbage container is required for the duration of construction; the type of garbage container shall be approved by the City at the time of development permit application.
- a. Notwithstanding the above, an alternative means of garbage containment or removal may be used pursuant to written authorization from the Development Officer and presented to a Peace Officer upon demand.
- b. Notwithstanding the above, a garbage container may be shared between or among construction sites pursuant to written authorization from the Development Officer.
- c. A garbage container shall not be filled beyond eighty percent (80%) capacity, by volume.
- 3.3 No hazardous materials shall be deposited in any garbage container or into the storm sewer or sanitary sewer system. No material, including excess concrete, gravel or clay, shall be washed down the storm sewer; dumped onto adjacent lots, public land or a City highway; or stored

anywhere else on the construction site, without prior authorization from the City.

- 3.4 Construction materials, excavated materials and refuse shall not be placed or stored on a City highway or on public land.
- 3.5 Construction equipment and machinery shall not be parked or stored on public lands or on a City highway.
- 3.6 Unless otherwise authorized by the Development Officer, once backfilling operations are complete, a gravel pad shall be created as a staging area for equipment. Alternatively, a poured driveway may be used as a staging and storage area.
- 3.7 At the discretion of the Development Officer, a temporary fence or other barrier may be required on the construction site.
- 3.8 Where there is a difference in elevation between lots, appropriate measures, such as a temporary silt barrier or dam, shall be erected on the higher lot to prevent drainage onto the lot or lots below until construction and landscaping, pursuant to City standards, is complete.
- 3.9 On any construction site, appropriate temporary barriers shall be placed around an excavation to prevent unauthorized entry or dumping.

#### **4. ENFORCEMENT AND PENALTIES**

- 4.1 Any person who is guilty of an offence under this bylaw is liable to pay a fine of not less than the specified penalty set out in Development Fees and Fines Bylaw for the offence and not more than \$10,000.00, or imprisonment for not more than one (1) year, or both.
- 4.2 A person is a party to and guilty of an offence who:
  - a. Actually commits the offence, or
  - b. Does or omits an act for the purpose of aiding a person in the commission of an offence, or
  - c. Abets a person in the commission of an offence, or
  - d. Counsels or procures a person to commit an offence.
- 4.3 Any person who contravenes any provision of this bylaw is guilty of an offence.

- 4.4 Where a Peace Officer believes that a person has contravened any provisions of this bylaw, the Peace Officer may issue a municipal ticket. The municipal ticket must contain:
- a. The name of the person contravening the bylaw;
  - b. The date, location and nature of the offence;
  - c. The specified penalty established in the Development Fees and Fines Bylaw; and
  - d. Due date of payment.
- 4.5 A municipal ticket will be prepared by the Peace Officer and delivered to the appropriate persons by the Peace Officer, by registered mail or via document service company providing an affidavit of service.
- 4.6 Where a municipal ticket has been paid, such payment does not constitute an approval of said offence.
- 4.7 Each day that a breach of the bylaw has occurred may be considered to be a separate offence.
- 4.8 If a municipal ticket has been issued for the first and/or subsequent offences and the specified penalty has not been paid or corrective measures have not been taken, the Peace Officer is authorized to issue a violation ticket requiring the court appearance of a person in violation of this bylaw, pursuant to the *Provincial Offences Procedures Act*.
- 4.9 Notwithstanding Section 4.8, the Peace Officer may issue a violation ticket without previously issuing a municipal ticket if, in the opinion of the Peace Officer, the situation deems it necessary.
- 4.10 The violation ticket must contain:
- a. The name of the person contravening the bylaw;
  - b. The date, location and nature of the offence;
  - c. The specified penalty established in the Development Fees and Fines Bylaw;
  - d. Due date of payment; and
  - e. The date of the summons to appear in court.

- 4.11 Where, on a prosecution of an offence pursuant to this bylaw, a person believes a written approval or permission of the Development Officer provides that person with a defense, the onus of proving that approval or permission was given rests with the person relying on the permission or approval.

**5. EFFECTIVE DATE**

- 5.1 This bylaw shall come into force and effect when it receives third reading and is duly signed.

**6. REPEAL OF BYLAW C-906-15**

- 6.1 Bylaw C-906-15 is hereby repealed.

First Reading Carried 15 August 2016

Second Reading Carried 12 September 2016

Third Reading Carried 14 November 2016

Date Signed 16 November 2016

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Mayor

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City Clerk