

## BYLAW NO. 1099/09

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA,  
TO ESTABLISH REGULATIONS FOR THE MOWING OF GRASS AND TRIMMING OF  
TREES ON PRIVATE PROPERTY LOCATED WITHIN THE HAMLET OF MIRROR;

WHEREAS, pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, the Council may pass a bylaw to regulate the mowing of grass and trimming of trees.

NOW THEREFORE, the Council of Lacombe County, in the province of Alberta, duly assembled hereby enacts as follows:

### 1. Definitions:

- 1.1. "COUNTY COMMISSIONER" means the Chief Administrative Officer appointed for Lacombe County, or his designate.
- 1.2. "OCCUPANT" with respect to a parcel of land, means that person leasing, renting, occupying or otherwise claiming control and possession of the subject parcel.
- 1.3. "OWNER", with respect to a parcel of land, means that person, firm or corporation registered on the tax roll of Lacombe County as the person.

### 2. Application:

- 2.1. The application of the provisions of this Bylaw apply solely to all lands located, whether fully or partially, within the jurisdictional boundaries of the Hamlet of Mirror, as established by the County from time to time.

### 3. Grass:

- 3.1. The Owner, or where the person or persons in occupancy is not the Owner, the Owner and Occupant of a parcel of land shall mow, or cause to be mowed, all grass within the legal boundaries of the lands so as to ensure that at no time, the length of any portion of that grass, shall exceed ten (10) cm in height.
- 3.2. The Owner, or where the person or persons in occupancy is not the Owner, the Owner and Occupant of a parcel of land that abuts, whether directly or where separated by a sidewalk, a portion of a highway or road right of way including, but not limited to, a boulevard upon which grass is present, shall be responsible for the mowing or causing to be mowed, the grass within that portion of the highway or road right of way, so as to ensure that at no time, the length of any portion of that grass, shall exceed ten (10) cm in height;

### 4. Trees and Shrubs:

- 4.1. The Owner, or where the person or persons in occupancy is not the Owner, the Owner and Occupant of a parcel of land shall trim or prune, or cause to be trimmed or pruned, any trees or shrubs that overhang any portion of a highway or road right of way, in such a manner as to interfere with or endanger the use of the highway or road right of way, including but not limited to interference with sight lines and visibility of traffic control devices, safe access to or egress from the highway or road right of way, or any municipal works, utilities or street furniture.

### 5. Contraventions and Enforcement:

- 5.1. Where a person fails to comply with the requirements of this bylaw, in addition to any other remedy available pursuant to this Bylaw, a Designated Officer of the County may issue to the person responsible for the contravention, an Enforcement Order pursuant to section 545 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended or repealed and replaced from time to time.

5.2. Any person who contravenes any provision of this bylaw is guilty of an offence and shall be liable upon summary conviction to the fine set out within Schedule "A" of this Bylaw.

6. Violation Tags:

6.1. The County Commissioner or designate is hereby authorized and empowered to issue a Violation Tag to any person, whom the County Commissioner has reasonable grounds to believe has contravened any provision of this Bylaw.

6.2. A Violation Tag may be issued to such person:

- (a) personally;
- (b) by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
- (c) by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.

6.3. The Violation Tag shall be in a form approved by the County Commissioner and shall state:

- (a) the name of the person to whom the Violation Tag is issued;
- (b) a description of the offence and the applicable Bylaw section;
- (c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
- (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
- (e) any other information as may be required by the County Commissioner.

6.4. Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the County Office the penalty specified on the Violation Tag.

7. Violation Tickets:

7.1. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer may issue a Violation Ticket, pursuant to Part 2 of the *Provincial Offences Procedure Act*, to the person to whom the Violation Tag was issued.

7.2. Notwithstanding Section 7.1, a Bylaw Enforcement Officer may immediately issue a Violation Ticket to any person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw;

7.3. A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

7.4. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.

7.5. When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 7.4 and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

8. General:

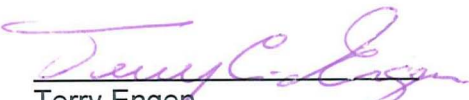
8.1. This bylaw shall be in effect on the date of the final passing thereof.

8.2. This bylaw rescinds Bylaw #7-2001.

Read a first time this 27<sup>th</sup> day of August 2009.

Read a second time this 27<sup>th</sup> day of August 2009.

Read a third and final time this 27<sup>th</sup> day of August 2009.



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Terry Engen  
Reeve



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Terry Hager  
County Commissioner

**SCHEDULE "A"**  
**PENALTIES**

With respect to any contravention of a provision of this Bylaw, upon summary conviction the Penalty shall be no less and no more the amounts specified below:

First Offence: \$ 50.00

Second Offence within one year of commission of first offence: \$ 100.00

Any subsequent offence within one year of prior offence: \$ 100.00