

THE CORPORATION OF THE TOWNSHIP OF MACHAR

BY-LAW NO. 11-18

Being a by-law to regulate and control the use of fertilizer within the Township of Machar.

WHEREAS:

1. Section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, grants to a municipality the authority to pass by-laws respecting the health, safety and well-being of persons, the protection of persons and property, the economic, social and environmental well-being of the municipality;

2. Council of The Corporation of the Township of Machar has expressed its desire to protect the water quality and health of the water bodies within the Township of Machar and their receiving waters by reducing phosphorus inputs;

3. Council of the Corporation of the Township of Machar has determined that fertilizer use has potential negative health and environmental effects on the water quality within the municipality and should be regulated to mitigate the impacts of fertilizer on health and environment;

4. The nutrient loading from fertilizer has been identified as a significant factor contributing to algae growth and low dissolved oxygen conditions;

5. These conditions can lead to a loss of enjoyment of the water quality and may lead to health effects and decline in property value;

6. Council of The Corporation of the Township of Machar wishes to prohibit the use of fertilizers containing phosphorus, from the date of passing, on all non-agricultural properties only;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MACHAR ENACTS AS FOLLOWS:

1. Definitions

For the purposes of this by-law, the following words and phrases shall have the following meanings:

(1) “farmland” means land that is actively being used for the purpose of agriculture or farming uses.

(2) “fertilizer” means a substance that contains phosphorus used to enrich soils or plants with minerals or nutrients, but does not include compost or mulch.

(3) “water body” means any part of any lake, pond, river, stream or creek.

(4) “person” means an individual and includes a corporation and their heirs, executors, administrators or other legal representatives of the property.

(5) “Officer” means a municipal law enforcement officer or other person appointed by by-law to enforce the provision of this by-law.

2. Prohibition

No person shall spread, cause, permit to be spread any fertilizer containing phosphorus on any lot which is not farmland and which is located within thirty (30) metres of a water body within the Township of Machar.

3. Exceptions

Notwithstanding Section 2, the use of an agriculture fertilizer containing phosphorus is permitted as follows:

On land used for the purpose of a newly seeded lawn, farmland, a golf course, garden centres and soil used exclusively for potted flowers, potted shrubs or a vegetable garden.

4. Enforcement and Penalty Provisions

(1) The By-law Enforcement Officer or a Provincial Offences Officer is hereby authorized to enforce the provision of this by-law.

(2) Every person who contravenes the provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided by the *Provincial Offences Act*.

(3) Where a conviction is entered under this section of the by-law, in addition to any other remedy or penalty provided by the law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

(4) No person shall hinder or obstruct an Officer in the enforcement of this by-law.

(5) Any person who is alleged to have contravened any section of this by-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have hindered or obstructed the Officer in the execution of his duties.

5. Schedule

Schedule "A" attached hereto shall be and does form part of this by-law.

6. Enactment

This by-law shall come into force and take effect on the date of passing.

ENACTED AND PASSED this 25th day of June 2018.

READ A 1st, 2nd AND 3rd TIME AND FINALLY PASSED THIS 25th DAY OF June 2018.

Mayor Lynda Carleton

Clerk Administrator Brenda Paul AMCT

THE CORPORATION OF THE TOWNSHIP OF MACHAR

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Schedule "A"

FINES

Item	Description of Offence	Section	Set Fine
1	Use of Phosphorous Fertilizer	2	\$100.00