



BY-LAW NO. 2018/75

**BEING A BY-LAW FOR THE PURPOSE OF PROHIBITING LITTERING
ON PRIVATE OR MUNICIPAL PROPERTY
IN THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS Section 10(2) 8 of the *Municipal Act*, 2001, R.S.O. 2001, c. 25, authorizes municipalities to pass by-laws respecting the Protection of persons and property, including consumer protection;

AND WHEREAS Section 127 (c) the *Municipal Act*, 2001, R.S.O. 2001, c. 25, authorizes municipalities to pass by-laws to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS the Council of the Corporation of the Municipality of West Nipissing deems it expedient and necessary to prohibit the illegal dumping or depositing of litter on private and municipal properties;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

1. SHORT TITLE

This by-law may be cited as the "Municipal Littering By-law".

2. DEFINITIONS

In this by-law,

- a) **"Litter"** shall mean to willfully or carelessly discard any garbage, refuse or debris of any type, which includes the following items such as household goods/furnishings, ashes, earth, paper/cardboard, advertisement, vegetable matter, stone, sand, glass, tin or wood but is not limited to these items, without consent, resulting in pollution or an unsightly condition.
- b) **"Highway"** shall include any road, bridge, street, land or similar thoroughfare and includes such parts thereof commonly known as roadways, curbs, ditches, sidewalks, median strips, boulevards, islands and associated sewer, catch basin, water courses and retaining walls.
- c) **"Land"** shall include any ground, yard, lot or other real property whether or not occupied by a building or structure, and being private or municipal property.
- d) **"Municipality"** shall mean the Corporation of the Municipality of West Nipissing.
- e) **"Person"** shall mean any individual, association, firm, partnership or corporation.
- f) **"Municipal Law Enforcement Officer"** shall mean any person appointed by Council for the purpose of enforcing the by-laws of the Municipality.

3. GENERAL

- 3.1 No person shall deposit or cause to be deposited or permit to be deposited any **"LITTER"** on any privately owned lands within the municipality, unless granted consent to do so by the rightful land owner.

- 3.2 No person shall deposit or cause to be deposited or permit to be deposited any “LITTER” on any highway within the municipality.
- 3.3 No person shall deposit or cause to be deposited or permit to be deposited any “LITTER” on lands owned by the municipality or any local board thereof except at a waste disposal site operated by the West Nipissing Environmental Services, or in receptacles approved by the Municipality for that purpose, unless granted consent to do so by the Municipality of West Nipissing.

4. EXCEPTIONS

- 4.1 None of the provisions of this by-law apply where, in the normal course of garbage collection, a person employed by the West Nipissing Environmental Services deposits “LITTER” on a highway or on land owned by the municipality or any local board thereof.

5. PENALTY

- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence and, on conviction, is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P33, as amended, as set out in Schedule ‘A’ attached hereto and forming part of this By-law.
- 5.2 Where a conflict arises between the requirements of this by-law and any other by-law of the Corporation of the Municipality of West Nipissing, the more restrictive regulations shall apply.

6. ENFORCEMENT

This by-law shall be enforced by a person appointed by Council for the purpose of enforcing the by-laws of the Municipality.

7. REPEAL

By-Law No. 2002/75 of the Corporation of the Municipality of West Nipissing is hereby repealed.

ENACTED AND PASSED THIS 14th DAY OF AUGUST 2018 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

LÉO MALETTE
DEPUTY MAYOR

MELANIE DUCHARME
CLERK

Municipality of West Nipissing
LITTERING BY-LAW
SCHEDULE "A" to BY-LAW 2018/75
 PART 1 *PROVINCIAL OFFENCES ACT*

Prohibiting Littering on private or municipal property in the Municipality of West Nipissing

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision creating or defining offence	Set Fine
1	Deposit any "LITTER" on any privately owned lands, without land owner's consent	Section 3.1	\$300.00
2	Cause to be deposited any "LITTER" on any privately owned lands, without land owner's consent	Section 3.1	\$300.00
3	Permit to be deposited any "LITTER" on any privately owned lands, without land owner's consent	Section 3.1	\$300.00
4	Deposit any "LITTER" on any highway	Section 3.2	\$300.00
5	Cause to be deposited any "LITTER" on any highway	Section 3.2	\$300.00
6	Permit to be deposited any "LITTER" on any highway	Section 3.2	\$300.00
7	Deposit any "LITTER" on any municipally owned lands, without municipality's consent	Section 3.3	\$300.00
8	Cause to be deposited any "LITTER" on any municipally owned lands, without municipality's consent	Section 3.3	\$300.00
9	Permit to be deposited any "LITTER" on any municipally owned lands, without municipality's consent	Section 3.3	\$300.00
10	Deposit "LITTER" on any lands owned by a local board, without local board's consent	Section 3.3	\$300.00
11	Cause to be deposited any "LITTER" on any lands owned by a local board, without local board's consent	Section 3.3	\$300.00
12	Permit to be deposited any "LITTER" on any lands owned by a local board, without local board's consent	Section 3.3	\$300.00

NOTE: Penalty provision for the offences indicated above is Section 5 of By-Law No.2018/75 a certified copy of which has been filed.