

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 93-81

"LITTERING BY-LAW"

A by-law to prohibit littering in
the Town of New Tecumseth

WHEREAS Section 210 Subsection 82 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides authority for the councils of local municipalities to pass by-laws for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property;

AND WHEREAS the Council of the Corporation of the Town of New Tecumseth deems it necessary and expedient to prohibit littering on private property and on property owned, controlled or managed by the Town of New Tecumseth;

NOW THEREFORE the Council of the Corporation of the Town of New Tecumseth enacts as follows:

1. DEFINITIONS

1.1 In this by-law the following definitions shall apply:

1.1.1 "**Council**" shall mean the Council of the Corporation of the Town of New Tecumseth;

1.1.2 "**Local Board**" shall include any school board, public utility commission, transportation commission, public library board, board or park management, local board of health, police services board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or specific Act with respect to any affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof but does not include a hospital established under any general or special Act and operated by municipal corporation;

1.1.3 "**Officer**" shall mean a Municipal By-law Enforcement Officer appointed by Council, or any authorized member of the Ontario Provincial Police serving the Town of New Tecumseth;

1.1.4 "**Property**" shall mean any grounds, yard or vacant lot, whether public or privately owned and shall include any portion of a municipally owned highway that is laid out as a boulevard; and

1.1.5 "**Refuse and Debris**" shall mean any object or material that has been discarded by any person or that is no longer in use or reasonably intended to be used by any person having ownership or control over such object or material and without limiting the generality of the foregoing shall include garbage, junk, tin cans, old or decayed lumber, furniture, construction materials and abandoned or inoperable motor vehicles.

2. GENERAL REGULATIONS

- 2.1 No person shall throw, place or deposit any refuse or debris on private property or property owned, controlled or managed by the Town or any local board thereof unless:
- 2.1.1 such person has written authority to do so from the owner or occupant of such property; and
- 2.1.2 such refuse or debris is properly packaged and placed in a designated container so as not to attract insects and rodents or cause a health hazard.
- 2.2 No property owner or tenant shall allow any person to throw, place or deposit any refuse or debris on property under their care and control unless such refuse or debris is properly packaged and placed in a designated container so as not to attract insects and rodents or cause a health hazard.
- 2.3 Any owner, immediately upon receipt of notice in writing from an officer, in respect of the owner's property, requiring such owner to do so, shall clean and clear the property of and from all refuse and debris to the satisfaction of the officer.
- 2.4 The aforesaid notice in writing may either be served upon the owner personally or mailed by prepaid first class post to the address of the owner, as shown on the last revised assessment roll, and the sending of such notice shall be deemed to be good and sufficient service of notice upon the owner.
- 2.5 Wherever this by-law directs or requires any matter to be done, in default of this being done by the owner directed or required to do so, within seven (7) days after notification of the owner as required herein, such matter or thing may be done by the Town or its agents at the expense of such owner, and the Town may recover all expenses from the owner so incurred by action or in like manner as municipal taxes.
- 2.6 Nothing in this by-law shall apply to any licensed salvage yard.

3. PENALTY

- 3.1 That every person who contravenes any of the provisions 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.

4. VOLUNTARY PAYMENT

- 4.1 Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag, a penalty of a set fine of twenty five dollars (\$25.00), and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

5. CITING

5.1 That this by-law shall be cited as the "Littering By-law".

6. ENACTMENT

6.1 That this by-law shall come into force and take effect upon passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20TH DAY OF JULY, 1993.

MAYOR

CLERK