

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW NO. 2015-26

Being a By-law of The Corporation of the Township of Tudor and Cashel to prohibit or regulate the littering of garbage, refuse or debris on private or municipal property.

WHEREAS Section 127 of the *Municipal Act, 2001* permits a municipality to pass a by-law to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land and to define “refuse” for the purpose of this by-law;

AND WHEREAS Section 425 (1) of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence.

AND WHEREAS The Corporation of the Township of Tudor and Cashel deems it necessary and expedient to enact a by-law prohibiting or regulating the littering of refuse or debris;

NOW THEREFORE BE IT RESOLVED, THAT the Council of The Corporation of the Township of Tudor and Cashel enacts as follows:

1. Definitions

For the purpose of this by-law:

- 1.1 “Person” means any human being, association, partnership, private club, incorporated company, corporation, agent or trustee and their heirs, executors or other legal representatives to whom the context can apply according to law.
- 1.2 “Local Board” means any school board, public utility, commission, library board, or any other board, commission, committee or local authority under any general or specific legislation.
- 1.3 “Owner” means the registered owner, occupant, tenant or person in charge or managing a property whether on his or her own account or on account of an agent or trustee or any other person, or any one of the aforesaid.
- 1.4 “Private property” means property which is privately owned and is not property of the Township of Tudor and Cashel.
- 1.5 “Property” means any lands, tenements and hereditaments and any estate or interest therein and any right or easement affecting the land.
- 1.6 “Refuse” means all manner of objects or waste materials discarded by any person or that is no longer in use, neglected or reasonably intended to be used by any person having ownership or control over such objects or waste materials and without limiting the generality of the foregoing may include discarded types of vegetable and animal matter subject to decay, household, commercial or industrial waste, common package wrappings, glass, crockery, metal, rags, furniture, appliances, building materials, lumber, clothing, magazines, newspapers, fliers, grass cuttings, tree trimmings, leaves, discarded materials and other similar articles, and garbage and debris shall have a similar meaning.
- 1.7 “Newspapers” means those newspapers which are published regularly and which deal with matters of interest to the residents of the Town and whose primary function is the reporting of news.

2. General Regulations

- 2.1 No person shall throw, place or deposit, or permit to be thrown, placed or deposited by any means any refuse on private property.
- 2.2 No person shall throw, place or deposit, or permit to be thrown, placed or deposited by any means, any refuse or debris on property of the Township of Tudor and Cashel.
- 2.3 No person shall throw, place or deposit, or permit to be thrown, placed or deposited by any means, any refuse or debris on property of any local Board of the Township of Tudor and Cashel.
- 2.4 The posting of a sign on the property indicating “no littering”, “no dumping”, or any similar wording is deemed to provide sufficient proof for the purpose of this by-law of the lack of written consent on the part of the owner, local board or the Township of Tudor and Cashel.
- 2.5 This by-law shall be enforced by a **Police Officer** or Municipal By-law Enforcement Officer appointed by the Township of Tudor and Cashel for the purposes of enforcing the Municipalities by-laws.
- 2.6 Every person who contravenes any of the provisions of this by-law is guilty of an offence, and liable, on a first conviction, to a fine as provided for in the *Municipal Act 2001*.
- 2.7 Any person who contravenes any provision of this by-law is guilty of an offence and subject to a penalty as specified in Schedule A attached hereto.

3. Enforcement and Administration

This by-law shall be enforced and administered by:

- 3.1 Township of Tudor and Cashel Municipal By-law Enforcement, and
- 3.2 **The OPP from the Bancroft or Madoc Detachment.**

4. Penalties

Any person found to be in contravention of any of the provisions of this by-law is guilty of an offence and upon conviction thereof, is liable to a fine of not more than two thousand dollars (\$2,000) for each offence and every such penalty shall be recoverable under the Provincial Offences Act, as amended.

5. Voluntary Payment

Notwithstanding the provisions of Section 4 of this by-law, any person may make voluntary payment, upon presentation of an Infraction Notice:

- 5.1 issued by an officer **or constable**

- 5.2 indicating the commission of an offence as set out in Sections 2.1, 2.2 & 2.3 of this by-law, and
- 5.3 remit the appropriate fine as set out in Schedule A as finally approved by the Attorney General.

PASSED THIS ____ DAY OF _____, 2015

REEVE: WANDA DONALDSON

SEAL

CLERK: BERNICE CROCKER

Schedule A

Refuse Set Fine Schedule

Ref. Number	Offence	By-law Section	Fine First Conviction	If Paid within 7 Days	Fine Subsequent Conviction	If Paid within 7 Days
11.4	Prohibited to throw, place or deposit, or permit to be thrown, placed or deposited by any means any refuse on private property without the written consent the owner or occupant of the property	2.1	\$500	\$250	\$2,000	\$1,000
11.5	Prohibited to throw, place or deposit, or permit to be thrown, placed or deposited by any means, any refuse or debris on property of the Township of Tudor and Cashel without written consent of the Township of Tudor and Cashel	2.2	\$500	\$250	\$2,000	\$1,000
11.6	Prohibited to throw, place or deposit, or permit to be thrown, placed or deposited by any means, any refuse or debris on property of any local Board of the Township of Tudor and Cashel without written consent to do so from the local Board.	2.3	\$500	\$250	\$2,000	\$1,000