

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2013-0055**

Being a By-Law to Prohibit the Depositing of Litter on Municipal Property

WHEREAS Section 127 of the *Municipal Act, S.O. 2001, c.25* as amended authorizes a local municipality to,

- (c) prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) define “refuse” for the purpose of this section.

AND WHEREAS Council of The Corporation of the Town of Greater Napanee deems it expedient to prohibit the depositing of litter on property of the Town;

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee (the “Corporation”) hereby enacts as follows:

1. Definitions

For the purpose of this by-law,

- 1.1 **Debris** shall mean material such as discarded and demolished building material, tree branches, limbs, brush, leaves, grass, trimmings and any other like waste material.
- 1.2 **Litter** shall include debris and refuse.
- 1.3 **Highway** shall mean a common or public highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles, and includes the surface, roadway, median strip, shoulder, grassed area, boulevard, ditch, berm, gutter and any other portion of the road allowance owned by or under the jurisdiction of the Municipality, including all highways owned by the County of Lennox & Addington for which the municipality has been given right-of-way control by agreement with the County;
- 1.4 **Deposit** shall mean to drop, throw, dump or randomly place or store or otherwise dispose of.
- 1.5 **Property** shall mean any ground, yard, lot or other real property whether or not occupied by a building or structure and owned by Municipality.
- 1.6 **Municipality** shall mean The Corporation of the Town of Greater Napanee

1.7 **Person** shall mean and includes any individual, firm or corporation.

1.8 **Municipal By-law Enforcement Officer** shall mean a person appointed by Council for the purpose of enforcing the by-laws of the Municipality.

1.9 **Refuse** shall mean all waste and recyclable items other than debris.

2. Short Title

2.1. This By-law shall be referred to as the “Littering By-law.”

3. Prohibitions

3.1. No person shall deposit litter on any property or highway of the Municipality, other than in those areas designated by the Municipality for such purpose.

3.2 Notwithstanding the above, Section 3.1 does not apply where, in the normal course of garbage and recycling collection, a person deposits litter on the highway or on land owned by the municipality or any local board thereof, in compliance with the provisions of the Town of Greater Napanee waste management system by-law.

4. Administration and Enforcement

4.1 The Municipal By-law Enforcement Officers for the Municipality shall be responsible for the administration and enforcement of this by-law.

5. Penalties and Set Fines

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.P.33*.

5.2 Schedule “A” attached hereto and forming part of this by-law, establishes the set fine amounts which must be approved or modified by an Order of the Regional Senior Justice pursuant to the provisions of the *Provincial Offences Act, R.S.O. 1990, c.P.33*.

6. By-law Repealed

6.1 That By-law No. 02-60 and any other by-law or portions thereof conflicting with this by-law are hereby repealed.

7. Effective Date

7.1 This by-law shall come into force and take effect upon the date of the approval of the set fine amounts by the Regional Senior Justice.

Read a first and second time and finally passed this 12th day of November, 2013.

Gordon Schermerhorn, Mayor

Susan Beckel, Clerk

**The Corporation of the Town of Greater Napanee
Part 1 Provincial Offences Act
By-law No. 2013-0055: Littering
Schedule "A"**

Chargeable Offences:

Item #	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Deposit litter on property of the Municipality	Section 3.1	\$150
2.	Deposit litter on a highway of the Municipality.	Section 3.1	\$150

NOTE: The general penalty provision for the offence listed above is Section 3.1 of the By-law No. 2013-0055, a certified copy of which has been filed.