



**BY-LAW NO. 2004-213**

---

OF

***The Corporation of Norfolk County***

---

**BEING A BY-LAW TO PROHIBIT THE DEPOSITING OF REFUSE AND DEBRIS ON PRIVATE PROPERTY OR MUNICIPAL PROPERTY.**

**WHEREAS** the Municipal Act, S.O. 2001, Section 127 (c), as amended, states that a local municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

**AND WHEREAS** the Municipal Act, S.O. 2001, Section 127 (d), as amended, states that a local municipality may define "refuse" for the purpose of this by-law;

**AND WHEREAS** the Municipal Act, S.O. 2001, Section 427 (1), as amended, provides a municipality with the authority to direct or require that a matter or thing be done and in default of it being done such matter or thing shall be done at the person's expense;

**AND WHEREAS** the Municipal Act, S.O. 2001, Section 427 (2), as amended, provides that for the purposes of Section 427(1), the municipality may enter upon land at any reasonable time;

**AND WHEREAS** the Municipal Act, S.O. 2001, Section 427 (3), as amended, provides that the municipality may recover the costs of doing a thing or matter under Section 427(1);

**AND WHEREAS** the Highway Traffic Act, R.S.O. 1990, as amended, Section 170(15), states that a police officer, police cadet, municipal law enforcement officer or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection (12) or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act;

**AND WHEREAS** the Council of The Corporation of Norfolk County deems it necessary to prohibit the depositing of refuse and debris on private or municipal property;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF NORFOLK COUNTY HEREBY ENACTS AS FOLLOWS:****1. SHORT TITLE**

1.1 This by-law shall be known as the "Littering By-law".

**2. DEFINITIONS**

2.1 Corporation – shall mean The Corporation of Norfolk County.

2.2 Debris – shall include that which is defined as refuse within this by-law.

2.3 Municipal Law Enforcement Officer – shall mean a person appointed by the Council of The Corporation of Norfolk County for the purposes of enforcing County by-laws and for the purposes of this by-law shall include the Ontario Provincial Police or any police agency.

2.4 Municipal Property – shall mean property owned or occupied or leased by the municipality.

2.5 Person – shall include the property owner, as defined in Section 2.8 of this by-law and may also include any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however constituted, joint venture, syndicate or any other legal entity, and includes all successors, assigns or other legal representatives of any such entities.

2.6 Private Property – shall mean property not owned or occupied or leased by the municipality.

2.7 Property – shall mean lands and premises appurtenant to a building or structure whether residential or commercial, a vacant lot, a yard and, without limiting the generality of the foregoing, shall include any parcel of land but shall exclude any building or structure.

2.8 Property Owner – shall include the owner, occupant, tenant or lessee of any property.

2.9 Refuse – shall include any unused or discarded material or substance and, without limiting the generality of the foregoing, shall include debris, rubbish, junk, litter, paper, paper products, unused or discarded materials of any kind, appliances, devices, apparatus, machinery, furniture, discarded clothing, construction materials, concrete, flagstone, gravel, asphalt, tires, inoperative motor vehicles, parts of motor vehicles, unused motor vehicles or abandoned motor vehicles, vehicles without validated

licence plate stickers, vehicles without licence plates, objects or conditions that may create fire, health or accident hazards, dead animals, old or decayed lumber, decayed trees, discarded trees, parts of trees, leaves and discarded organic materials.

### **3. GENERAL PROVISIONS**

- 3.1** No person shall throw, place or deposit or in any manner put refuse or debris on private property without the written authority of the property owner.
- 3.2** No person shall throw, place or deposit or in any other manner put refuse or debris on municipal property without the written authority of the municipality.
- 3.3** Refuse or debris placed on municipal property for the purposes of regular garbage or waste collection in accordance with the Corporation's by-laws respecting garbage or waste collection shall be exempted from the provisions of this by-law.
- 3.4** The Municipal Law Enforcement Officer may enter upon land or property at any reasonable time for the purposes of inspection.

### **4. ENFORCEMENT**

- 4.1** This by-law shall be enforced by the Municipal Law Enforcement Officer.

### **5. PENALTY**

- 5.1** Every person who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.
- 5.2** Every person who violates the provisions of this by-law may be directed by the Municipal Law Enforcement Officer to remove the debris or refuse from the property at their own expense within a time period to be determined by the Municipal Law Enforcement Officer.
- 5.3** In addition to the foregoing penalties, failure to remove the debris or refuse from the property within the time period as required in Section 5.2 of this by-law may result in the municipality undertaking to complete the work and any costs associated with the work shall be billed to the person responsible in a like manner as taxes.

5.4 Further to the foregoing penalties of this by-law, where a vehicle has been removed, impounded, restrained or immobilized according to Section 170(15) of the Highway Traffic Act, R.S.O. 1990, as amended, all costs associated with the removal, impoundment, restraining or immobilization will be the responsibility of the registered owner of the vehicle.

**6. SEVERABILITY**

6.1 In the event that any of the provisions of this by-law are deemed ultra vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

**7. REPEAL**

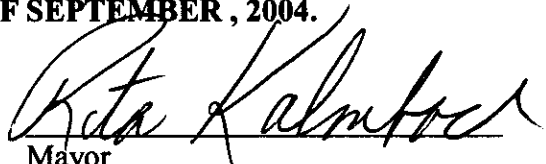
7.1 That former Township of Delhi By-law 708-84, 13-88, 709-84, 14-88 and any amendments thereto and former City of Nanticoke By-law 62-93, 63-93 and any amendments thereto are hereby repealed in their entirety.

**8. EFFECTIVE DATE**

8.1 This by-law shall become effective upon the passing thereof and the approval of the set fines by the Regional Senior Justice of the Ontario Court of Justice.

**ENACTED AND PASSED THIS 28TH DAY OF SEPTEMBER, 2004.**

First Reading: September 28, 2004

  
Mayor

Second Reading: September 28, 2004

Third Reading: September 28, 2004

  
Clerk