



BY-LAW NUMBER 2017-6

BEING A BY-LAW TO PROHIBIT THE DEPOSITING OF LITTER ON MUNICIPAL LANDS OR HIGHWAYS

WHEREAS pursuant to Section 74 of the *Municipal Act, S.O. 2001, c. 25*, the municipality may exercise its powers under its “waste Management” sphere of jurisdiction in the Municipality;

AND WHEREAS pursuant to Section 128 (1) of the *Municipal Act, S. O. 2001, c. 25*, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF NAIRN AND HYMAN HEREBY ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this by-law:
 - a) “Corporation” means the Corporation of the Township of Nairn and Hyman.
 - b) “Domestic Waste” includes household garbage, vegetables, fruits, furniture, clothing and household effects.
 - c) “Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage or vehicles and includes the area between the lateral property lines thereof.
 - d) “Municipal Superintendent” means the Municipal Superintendent for the Township of Nairn and Hyman, or his or her designate.
 - e) “Officer” means a person appointed by by-law as a Municipal By-law Enforcement Officer for the Corporation of the Township of Nairn and Hyman.
 - f) “Owner” means the Corporation of the Township of Nairn and Hyman.
 - g) “Property” means municipal lands, sidewalks, parks, easements and any other public place in the Township.
 - h) “Refuse or Debris” includes but is not limited to, garbage, ashes, rubbish, builder’s and building contractors refuse, other industrial waste, inoperative vehicles and motor vehicle parts and accessories, glass and plastic bottles, plastic and paper cups, aluminum cans discarded appliances, clothing, furniture, kitchen waste, packing materials, paper, soil, tree trimmings and pruning, garden waste, stumps and branches.
 - i) “Township” means the geographic entity of the Township of Nairn and Hyman”.

PROHIBITIONS:

2. No person shall deposit or permit or cause to be deposited any litter on any property owned by the Township.
3. No person shall deposit or permit or cause to be deposited any litter on any Highway within the Township.

EXCEPTIONS:

4. Sections 2 and 3 of this by-law does not prohibit:
 - a) The temporary depositing of litter in receptacles designed to receive and hold such waste pending disposition thereof.

PENALTIES:

5. Every person who contravenes any of the provisions of this by-law or who obstructs or attempts to obstruct the Municipal By-law Enforcement Officer or employee or agent of the municipality in carrying out his or her duties under this by-law is guilty of an offence and is liable, upon conviction, to a maximum fine as established pursuant to the *Provincial Offences Act, R.S.O. 1990 c. P.33.*

SEVERABILITY:

6. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

COMPLIANCE WITH OTHER BY-LAWS

7. If there is a conflict between a provision of this by-law and a provision of any other by-law, then the more restrictive provision shall apply.

ADMINISTRATION:

8. That this by-law rescinds By-law number 2001-17, "Being a by-law to prohibit the throwing, placing or depositing or refuse or debris on property of the municipality."
9. This by-law shall come into effect upon receipt of approval of Schedule "A", Short Form Wording/Set Fines by the Ontario Court of Justice.

Read a first and second time this 13th day of March, 2017.

Read a third time and finally passed this 13th day of March, 2017

(Original Signature on File)

Mayor, Laurier Falldien

(Original Signature on File)

Clerk, Robert Deschene

**The Corporation of the Township of Nairn and Hyman
Schedule "A"
Part 1 Provincial Offences Act**

By-law 2017-6, Being a by-law to prohibit the depositing of litter on municipal lands or highways

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Litter on municipal property	Section 2	\$300.00
2	Litter on a highway	Section 3	\$300.00

Note: The penalty provision for the offences indicated above is Section 5 of By-law 2017-6, a certified copy of which has been filed.