

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 12-1082

Being a By-law to regulate littering within the Municipality of Temagami.

WHEREAS Section 10(2) 5 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes Council to pass bylaws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS Section 10(2) 6 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes Council to pass bylaws respecting the health, safety and well-being of persons;

AND WHEREAS Section 127 (c) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS Section 127 (d) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may define “refuse”;

AND WHEREAS Section 128 (1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may prohibit with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it necessary and expedient to pass a By-law to regulate littering within the Municipality of Temagami;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That the Municipality hereby regulates littering on land within the Municipality as set out in Schedule “A” to this by-law along with the set fines as specified in Appendix 1 of Schedule “A” hereto attached and forming part of this by-law;
2. That this by-law shall repeal and replace By-law 07-730.
3. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to

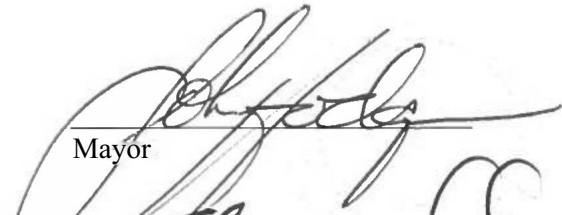
the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

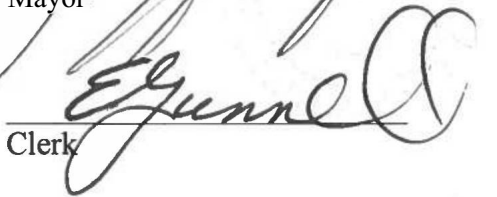
4. That this By-Law shall come into force and take effect on the date of its final passing.

BE TAKEN AS READ A FIRST time on this 30th day of August, 2012.

BE TAKEN AS READ A SECOND time on this 20th day of September, 2012.

BE TAKEN AS READ A THIRD time and finally passed this 20th day of September, 2012.


Mayor


Clerk

CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

SCHEDULE “A” TO BY-LAW NO. 12-1082: LITTERING

**BEING A BY-LAW TO REGULATE LITTERING IN THE
MUNICIPALITY OF TEMAGAMI**

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PART 1 GENERAL PROVISIONS

SECTION

1.1 Short Title

This By-Law shall be cited as the “Littering By-law”.

1.2 Scope

The provisions of this By-law shall apply to all property within the geographic limits of the Municipality of Temagami, except on unoccupied crown land.

1.3 Enforcement

This By-law shall be enforced by a *By-law Enforcement Officer* or a *Police Officer*.

1.4 Conflicts with other by-law

Where a provision of this By-law, conflicts with a provision of another by-law in force in the Municipality of Temagami, the provision that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

PART 2 DEFINITIONS

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words, phrases and terms defined in this section have the following meaning for the purposes of this By-law.

SECTION

2.1 “By-law Enforcement Officer” means the *person* or *persons* duly appointed by *Council* as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the *Municipality*.

2.2 “Council” means the *Municipal Council* of the *Municipality of Temagami*.

2.3 “Debris” means all waste material such as discarded building materials, tree branches, limbs, leaves, grass cuttings, garden waste and other waste material.

2.4 “Garbage” means domestic waste including all vegetable and animal matter subject to decay, whether it be household, commercial or industrial waste and shall include the wrappings in which the same is placed.

2.5 “Landfill Site” means those lands acquired by the *Municipality* and designated as lands for garbage disposal.

2.6 “Litter/Littering” means to sweep, throw, drop or place, or cause to be swept, thrown, dropped or placed any *garbage, recyclable/recyclables, refuse or debris* of any kind on any land within the Municipality without the consent of the owner of such land.

- 2.7 “Municipality”** means the Corporation of the Municipality of Temagami when referring to the entity and means the land within the geographic limit of the Municipality of Temagami when referring to an area.
- 2.8 “Municipal Property”** means any land situated within the Municipality which is owned by the Municipality or controlled by the Municipality by lease or otherwise.
- 2.9 “Police Officer”** means a member of the Ontario Provincial Police Service.
- 2.10 “Private Property”** means property which is privately owned and is not *Municipal* property.
- 2.11 “Provincial Offences Act”** means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 2.12 “Recyclable/Recyclables”** means cardboard, paper, glass, PETE plastic #1 through #7, aluminum / steel food cans and beverage containers.
- 2.13 “Refuse”** means all waste material such as, but not limited to, crockery, glass, bones, metal, rags, discarded clothing, discarded furniture and appliances, ashes, cigarette and cigar butts, bottles, cans, cartons, household effects, inoperative mechanical equipment, packing materials, kitchen waste, paper, discarded plastic, automobile tires and automobile parts.
- 2.14 “Sidewalk”** means any municipal walkway, or that portion of a street between curb lines or the lateral lines of a roadway, and the adjacent property line, primarily intended for use by pedestrians.
- 2.15 “Street”** means a common and public highway, street, roadway, crescent, avenue, parkway, driveway, square, place, bridge, viaduct, trestle or other such place designated and intended for, or used by the general public for the passage or parking of vehicles and includes the area of land between the lateral property lines thereof.

PART 3

REGULATIONS

General Regulations

SECTION

- 3.1** No *person* shall *litter* on any *Municipal property*.
- 3.2** No *person* shall *litter* on any *private property* within the *Municipality*.
- 3.3** No *person* shall *litter* on any *Municipal street* or *sidewalk*.
- 3.4** No *person* shall permit *garbage, refuse or debris* to be blown from the premises they occupy onto any *Municipal property, street, sidewalk* or *private property* within the *Municipality*.
- 3.5** No *person* shall use any *Municipal property, street, or private property* for dumping or disposal of *garbage, refuse or debris*, except within the boundaries of a *landfill site* or approved transfer site.

Recycling Regulations

- 3.6** No *person* shall deposit *recyclables* at any recycling depot except if such *recyclables* are deposited in the receptacle (blue bin) identified to receive that specific *recyclable*.

PART 4

PENALTIES

SECTION

4.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any permit or order issued pursuant thereto, commits an offence and except where specifically provided in Appendix “1”, shall be liable to a fine of not less than \$50.00, but not exceeding \$5,000.00.

Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

PART 5

VALIDITY

SECTION

5.1 Validity of By-law

If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
Appendix “1” OF Schedule “A”
TO BY-LAW NO. 12-1082: LITTERING

SET FINES FOR BY-LAW NO. 12-1082

Item	COLUMN 1 Short form wording	COLUMN 2 Offence creating provision or Defining offence	COLUMN 3 Set fine
1	<i>Litter on Municipal property.</i>	Section 3.1	\$100.00
2	<i>Litter on private property.</i>	Section 3.2	\$100.00
3	<i>Litter on street or sidewalk.</i>	Section 3.3	\$100.00
4	Permit <i>garbage, refuse</i> or <i>debris</i> to be blown.	Section 3.4	\$100.00
5	Dumping other than at <i>landfill site or approved transfer site.</i>	Section 3.5	\$150.00
6	Improper deposit of recyclables.	Section 3.6	\$100.00

Note: The general penalty provision for the offences listed above is Schedule A section 4.1 of By-law No. 12- 1082, a certified copy of which has been filed.