

CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 25-2020

Being a By-law to prohibiting the littering and dumping on private, public and municipal properties in the Town of Hawkesbury

WHEREAS section 9 of the *Municipal Act R.S.O. 2001*, as amended, provides a municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act, and;

WHEREAS subsections 11 (2) 6 and 8 of the *Municipal Act R.S.O. 2001*, as amended, authorizes a lower-tier municipality to pass a by-law, subject to the rules set out in subsection (4), respecting the health, safety and well-being of persons and protection of persons and property, and;

WHEREAS subsections 11 (3) 1 and 3 of the *Municipal Act, R.S.O. 2001*, as amended, authorizes a lower-tier municipality to pass a by-law, subject to the rules set out in subsection (4), respecting highways and waste management, and;

WHEREAS subsection 128 (1) of the *Municipal Act R.S.O. 2001*, as amended, authorizes a lower-tier municipality to pass a by-law prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause for public nuisances.

NOW THEREFORE, the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. DEFINITIONS

“Advertising material” means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, flyer, paper, booklet, or any other printed or otherwise reproduced matter or literature, that:

- i. advertises or otherwise promotes any merchandise, product, commodity or thing, or
- ii. directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interests thereof; or
- iii. directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission is charged for the purpose of commercial gain or profit;

“Council” means the Municipal Council of the Corporation of the Town of Hawkesbury;

“Debris” has the same meaning as waste material;

“Distributor” means any person, owner of a business, company, or organization which distributes, permits to be distributed or causes to be distributed any advertising material or promotion bags for profit;

“Domestic waste” means any article, thing, matter or any effluent belonging to or associated with a house/household or concerning/relating to the home/family that appears to be waste material. Without limiting the generality of the foregoing, this includes refuse, garbage or debris of any kind whatsoever; rubbish; wrecked, dismantled, inoperative or unused vehicles; machinery, boats, aircrafts or mechanical equipment/any part thereof. It also includes any vehicles, furnaces, water and fuel tanks; furniture, refrigerators, freezers, stoves and other appliances, whether operative or inoperative; glassware, plastic, cans, paper, cardboard, garden refuse, kitchen table waste, animal feces, sewage, grass clippings, leaves, trees, tree branches, dirt or rock fill, snow, material from construction or demolition projects, clothing and bedding;

“Garbage” has the same meaning as waste material;

“Highway” includes 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 of vehicles and includes the area between the lateral property lines thereof;

“Industrial waste” means any article, thing, matter or any effluent belonging/ associated with industry/commerce activities or concerning/relating to manufacture or concerning/relating to any trade business that appears to be waste material;

“Litter” means any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and “littering” has a corresponding meaning;

“Municipal By-law Enforcement Officer” means the person or persons appointed by the Council to enforce this by-law and any agent of such person or persons employed for such purposes;

“Owner” means the registered owner of the property and, for the purpose of this By-law, includes any lessee/tenant, occupant or any person having an interest whether equitable or legal in the real property;

“Person” in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department and agency or any director, officer, manager or person in charge of such entity, and the heirs, executors, successors, assigns or legal representative thereof or any other person who is the occupier of the property;

“Police officer” means a chief of police or any other police officer appointed under the *Police Services Act* R.S.O. 1990, c. P.15 and working for the Ontario Provincial Police;

“Private property” means any dwelling, house, building, or other structure, designed or used either wholly or in part for residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, any commercial, industrial and institution buildings and includes any yard, grounds, walkway, driveway, porch steps, vestibule or mail box belonging or appurtenant to such dwelling, house, building, or other structure;

“Promotional bag” means bag made of plastic or any other material where are put inside newspapers and advertising material and that are delivered to residences, business, industries and any other institutional facilities within the Town or available for pick-up at conspicuous places;

“Refuse” has the same meaning as waste material;

“Sewage” includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic waste or industrial waste or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off;

“Town” means the Corporation of the Town of Hawkesbury;

“Waste material” means material or effluent that appears to have been set aside, discarded or abandoned, to be worthless or useless or no practical value, used up, in whole or in part, or expended or worn out in whole or in part.

2. GENERAL PROVISIONS

- 2.1 No person shall in the Town abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter.
- 2.2 No person shall in the Town throw, place or deposit any refuse, debris or sewage on any private, municipal or public properties, highways, ditches, watercourses, streams and creeks.
- 2.3 No person shall in the Town use any land, private property, highways, sidewalks, ditches, watercourses or streams for dumping or disposing of refuse, domestic/industrial waste, sewage or waste material of any kind.
- 2.4 No person shall in the Town permit or allow any refuse, debris, domestic waste or advertising material to be blown from private property on to a highway and sidewalk.

- 2.5 No person shall in the Town distribute any advertising material by depositing them on motor vehicles, or by hand to pedestrians, or by posting them on any public utility posts.

3. PROMOTIONAL BAGS

- 3.1 No distributor shall distribute or cause to be distributed any unaddressed advertising material or promotional bags on private property other than:
- 3.1.1 in a mail box;
 - 3.1.2 in a mail slot;
 - 3.1.3 in a receptacle identified for this purpose;
 - 3.1.4 on a newspaper rack or hooked to it;
 - 3.1.5 in an apartment building lobby; or
 - 3.1.6 on the door handle if delivered in a bag.
- 3.2 No distributor shall distribute or cause to be distributed any unaddressed advertising material on private property other than using the driveway and sidewalks of private residences and apartment dwellings.
- 3.3 No distributor shall distribute or cause to be distributed any unaddressed advertising material on private property between the hours of 9:00 p.m. and 8:00 a.m. of the next following day.

4. ENFORCEMENT

- 4.1 This by-law shall be enforced by any Police Officers or by Municipal By-law Enforcement Officers.
- 4.2 No person shall hinder or obstruct, or attempt to hinder or obstruct the Police Officers or the Municipal By-law Enforcement Officers while exercising a power or performing a duty under this by-law.

5. OFFENCES AND PENALTIES

- 5.1 Every person who contravenes any provisions of this by-law is guilty of an offence and upon conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the *Provincial Offenses Act*, as amended.
- 5.2 Every person who contravenes any provisions of this by-law is guilty of an offence under the *Environmental Protection Act, R.S.O. 1990, c. E.19*, as amended.

- 5.3 Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention of this by-law by the corporation, is guilty of an offence and liable on conviction to a minimum fine not exceeding \$500 and a maximum fine not exceeding \$100,000.
- 5.4 In the case of a continuing offence, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and liable on conviction to a minimum fine not exceeding \$500 and a maximum fine not exceeding \$10,000 for each day/part of a day that the offence continues.
- 5.5 In the case of multiple offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and liable on conviction to a minimum fine not exceeding \$500 and a maximum fine not exceeding \$10,000 for each offence included in the multiple offences.
- 5.6 Where a person has been convicted of an offence under this by-law, the Ontario Court of Justice, or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation/repetition of the offence or the doing of any act/thing by the person convicted directed towards the continuation/repetition of the offence.
- 5.7 Every person who acts in contravention of this by-law so as to cause the Town to incur costs due to his/her actions shall, in addition to any penalty provided for herein, be liable to the Town for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized waste material, and such expenses may be recovered by court action or in a like manner as municipal taxes.

6. REPEAL

This by-law repeals By-law N° 76-91 and sections 2 a) and c) of By-law N° 47-89.

7. EFFECTIVE DATE

THAT this by-law shall come into force and effect on the date of its adoption.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 11th DAY OF MAY 2020.**

Paula Assaly, Mayor

Christine Groulx, Clerk