

THE CORPORATION OF THE TOWNSHIP OF NORWICH

BY-LAW NUMBER 53-2008

TO PROHIBIT THE DEPOSITING OF REFUSE AND DEBRIS ON PRIVATE PROPERTY OR MUNICIPAL PROPERTY

WHEREAS the Municipal Act, S.O. 2001, as amended, Chapter 25, Section 127(c) states that "Without limiting sections 9, 10 and 11 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, as amended, Chapter 25, Section 127(d) states that "Without limiting sections 9, 10 and 11 a local municipality may define "refuse" for the purpose of this Section";

AND WHEREAS the Municipal Act, S.O. 2001, as amended, Chapter 25, Section 446(1) states that "If a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense";

AND WHEREAS the Municipal Act, S.O. 2001, as amended, Chapter 25, Section 446(2) states that "For the purposes of subsection (1), the municipality may enter upon land at any reasonable time";

AND WHEREAS the Municipal Act, S.O. 2001, as amended, Chapter 25, Section 446(3) states that "The municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes";

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, as amended, Chapter H.8, 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) of a regulation made under subsection 26(3) of the *Public Transportation and Highway Improvement Act* 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 the removal, care and storage of the vehicle, 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 the Township of Norwich deems it necessary to prohibit the depositing of refuse and debris on private or municipal property;

NOW THEREFORE the Council of The Corporation of the Township of Norwich hereby enacts as follows:

1. SHORT TITLE

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

2. DEFINITIONS

2.1 Acceptable – shall mean debris or refuse deemed to be acceptable by the Corporation of the Township of Norwich or the County of Oxford.

2.2 Corporation – shall mean The Corporation of the Township of Norwich.

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

2.4 Garbage – shall include debris or refuse.

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

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

2.7 Municipality – shall mean The Corporation of the Township of Norwich.

2.8 Person – shall include the property owner, as defined in Section 2.11 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.

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

2.10 Property - shall mean lands and premises appurtenant to a building or structure whether residential or commercial or industrial, 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.

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

2.12 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 or abandoned motor vehicles, vehicles without validated licence plates, 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 manner put refuse or debris on municipal property without the written authority of the municipality.

3.3 Notwithstanding Section 3.2 of this by-law, acceptable refuse or debris placed on municipal property for the purposes of regular garbage or waste collection, in accordance with applicable by-laws respecting garbage and waste collection, shall be exempted from the provisions of this by-law.

3.4 Notwithstanding Section 3.2 of this by-law, acceptable refuse or debris placed on municipal property for collection purposes for special garbage or waste collection, placed in accordance with applicable by-laws and within the timeframe allotted, shall be exempted from the provisions of this by-law.

4. EXCEPTION

4.1 The provisions of this by-law shall not apply to storage areas operated by The Corporation of the Township of Norwich or The County of Oxford.

5. ENFORCEMENT

5.1 This by-law shall be enforced by a Municipal Law Enforcement Officer.

6. PENALTY

6.1 Any 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.

6.2 Every person who violates the provisions of this by-law may be directed by the Municipal Law Enforcement Officer to remove the garbage or debris from the property at their own expense within a time frame to be determined by the Municipal Law Enforcement Officer.

6.3 In addition to the foregoing penalties, failure to remove the refuse or debris from the property within the time period as required in Section 6.2 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.

6.4 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.


7. SEVERABILITY

7.1 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.

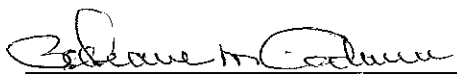
8. EFFECTIVE DATE

8.1 This by-law shall become effective upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF JULY, 2008.



MAYOR
DON DOAN



CLERK-ADMINISTRATOR
BETTEANNE M. CADMAN