

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 772-07

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, the Municipality may prohibit with respect to public nuisances, including matters that, in the opinion of Municipal Council, are or could become or cause public nuisances.

NOW THEREFORE THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON BY ITS COUNCIL ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this by-law,

“Highway” shall mean 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.

“Litter” shall mean debris, rubbish, filth, refuse, garbage or waste matter of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture and household effect, inoperative mechanical equipment, kitchen wastes, lumber, packing materials, paper, soil, soot, tree trimmings and pruning, garden waste, stumps, branches, automobile tires, used oil, and automobile parts.

“Municipality” shall mean The Corporation of the Municipality of Leamington.

PROHIBITIONS

2. No person shall deposit or permit or cause to be deposited any litter on any lands owned by the Municipality.

3. No person shall deposit or permit or cause to be deposited any litter on any highway within the Municipality.

EXCEPTIONS

4. Notwithstanding 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, or

b) Litter deposited in accordance either with by-law 769-07 for the Municipality which provides for disposal of garbage or any by-law of the Corporation of the County of Essex which provides for recycling of waste.

PENALTIES

5. Every person who contravenes any of the provisions of this by-law or who obstructs or attempts to obstruct the Municipal 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.

EFFECTIVE DATE

8. This by-law shall come into full force and effect on May 14 , 2007.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS
14TH DAY OF MAY 2007.

Signature on file

John Adams
Mayor

Signature on file

Brian R. Sweet
Clerk

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 772-07, of the Municipality of Leamington attached hereto are the set fines for those offences. This Order is to take effect June 19, 2007.

Dated at London this 19th day of June, 2007.



Alexander M. Graham
Regional Senior Justice
West Region

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 772-07

Part 1 Provincial Offences Act

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ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provisions	COLUMN 3 Set Fine
1	Litter municipal lands	Section 2	\$300.00
2	Permit littering on municipal lands	Section 2	\$300.00
3	Litter a highway	Section 3	\$300.00
4	Permit littering on a highway	Section 3	\$300.00

Penalty Provision for the offences indicated above in Section 3 (1) of by-law 772-07, a certified copy of which has been filed.