

THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

BY-LAW NO. 24-2010

BEING a By-Law to prohibit the dumping of litter on lands or highways.

WHEREAS Section 2 and Sections 8, 9, 10 & 11 of the Municipal Act S.O. 2001, as amended, provide powers for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipalities economic, social and environmental well-being and for the health, safety and well-being of persons, and powers to pass by-laws to regulate, prohibit and impose requirements on persons respecting a matter; and

WHEREAS Section 128 of the Municipal Act S.O. 2001, as amended, permits by-laws for prohibiting and regulating public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances and the opinion of Council, if arrived at in good faith, is not subject to review by any Court; now

THEREFORE the Council of The Corporation of the Township of Frontenac Islands enacts as follows:

1. DEFINITIONS

In this By-Law

- a) "By-Law Enforcement Officer" means a person appointed by Council for the purposes of enforcing the by-laws of the Municipality or a person employed by a firm or company engaged by the Municipality for the purposes of enforcing by-laws.
- b) "Deposit" includes drop, throw, dump or randomly place or store or otherwise dispose of.
- c) "Highway" includes any road, bridge, street, avenue, or similar thoroughfare and includes a public square, curbs, ditches and sidewalks under the jurisdiction of the Township of Frontenac Islands.
- d) "Property" includes any ground, yard or lot whether or not occupied by a building or structure.
- e) "Litter" means debris, rubbish, 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 effects, kitchen wastes, lumber, packing materials, paper, tree trimmings and prunings, garden waste, stumps, tires and used oil.
- f) "Municipality" means The Corporation of the Township of Frontenac Islands.
- g) "Person" includes an individual, an association, a firm, a partnership or a corporation.

2. GENERAL PROVISIONS

- a) No person shall deposit or cause to be deposited or permit to be deposited any litter on privately owned land within the Municipality.
- b) No person shall deposit or cause to be deposited any litter on any highway within the Municipality.
- c) None of the provisions of this by-law apply to the following:
 - i. Where, in the normal course of municipal garbage collection, a person deposit litter on a highway or on land owned by the municipality in compliance with collection policies.

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- ii. Where, in the course of using land for activities carried on in the field of general agriculture and in areas zoned for that purpose, a person deposits waste as fertilizer, manure, straw, grass clippings or any other plant debris commonly used as a compost material.
- iii. Where, in the course of engaging in home composting, a person deposits grass, tree trimmings and prunings, garden waste and other vegetable matter in a home composter.
- iv. Where, during the course of construction on a property, construction materials are stored on that property.

3. ENFORCEMENT

The provisions of this by-law shall be enforced by the By-Law Enforcement Officer.

4. OFFENCES AND PENALTIES

Any person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction, subject to the penalties prescribed by the Provincial Offenses Act, R.S.O. 1990, as amended.

5. SEVERABILITY

Should any paragraph, clause or phrase in this By-Law be held to be inoperative by a court of competent jurisdiction, the remainder of the By-Law shall remain in full force and effect.

6. SHORT TITLE

This By-Law may be referred to as the Littering By-Law.

7. ENACTMENT DATE

This By-Law shall come into force and take effect on the date of passing.

READ a first and second time this 12th day of July, 2010.

READ a third time and finally passed this 12th day of July, 2010.


Jim Vanden Hoek, Mayor


Terry O'Shea, Clerk/CAO ACTING
CLERK