

Proposed Provisions of Dumping and Littering By-law

This new by-law will replace the City's current regulations with respect to dumping and littering. The new by-law will contain the following provisions:

1. Short Title
 - (a) References the Council authority for the by-law.
 - (b) Establishes the name of the by-law, to be referenced in other by-laws, on public signs, or in other notices to the public.
2. Applicability and Scope
 - (a) Sets the geographical boundaries to which the by-law applies.
 - (b) Sets out exemptions, exceptions and how to treat conflicts with other legislation.
3. Definitions
 - (a) The new definition of "Waste" is to consolidate the definitions of waste and debris of the former by-laws.
 - (b) New definitions are being added for clarity.
4. Prohibitions
 - (a) Dumping of waste is prohibited unless permitted by by-law or statute.
 - (b) Discharge of liquids, such as fuels, oils and lubricants, is prohibited unless permitted by by-law or statute.
 - (c) Delivering any newspaper, magazine, flyer or similar device ~~is~~ if the Owner has indicated not to do so.
5. Responsibilities of Property Owners
 - (a) Properties must be maintained free of waste.
 - (b) Grass is to be kept at a height not to exceed 20 centimetres.
 - (c) Snow and ice may not be placed on roadways.
 - (d) Any waste must be removed upon request from the City, at the property owner's expense.
6. Bins and Storage on Roadways
 - (a) Bins and materials may not be placed on roadways without a permit.
 - (b) Upon non-compliance the City may require the owner to remediate the matter or remove all bins, materials and other items from the roadway, at the owner's expense.
 - (c) Grant the Director authority to deem bins or materials on public lands as waste in the event that an owner does not comply with a notice to remove or otherwise remedy a matter.
7. Inspections and Right of Access

- (a) Officers may enter lands for purposes of carrying out inspections or confirming compliance with the by-law.
 - (b) When inspecting, officers may: inspect, reproduce or remove documents; require information; take samples and/or tests; and require owners to supply test and samples, at their expense.
8. Notices
- (a) Notices to comply to include Orders under the *Municipal Act, 2001* to remedy or cease and desist.
9. Presumptions
- (a) Owners of vehicles are deemed to be the contraveners when dumping or littering takes place from their vehicles.
 - (b) Owners of property from where waste can be determined to have originated are deemed to be the contraveners.
10. Administrative Monetary Penalties
- (a) Administrative monetary penalties under the *Municipal Act, 2001* are to provide enforcement staff with the option of imposing non-punitive, deterring penalties.
 - (b) Monetary penalties to be established at \$500 for a dumping or littering offence.
11. Fines
- (a) Fines under the *Provincial Offences Act, 1990* are to provide enforcement staff with the option of imposing punitive penalties, ranging from tickets (of \$750) to a summons to court (with potential fines of up to \$100,000).
12. Removal and Recovery of Costs
- (a) Noncompliance resulting in action by the City may result in all costs borne by the City with respect to that action to be imposed on the relevant party (i.e., either the property owner or the offender).
13. Severability
- (a) Other than those deemed invalid by a court, all other provisions of this by-law are considered to be in force.
14. Transition
- (a) Existing infractions or those commenced under one of the former by-laws are to be continued under this By-law.
 - (b) Signs and public notices referencing a former by-law are to be considered to reference the relevant provisions of this By-law.
15. Repeal of Other By-laws
- (a) Debris By-law 263-2001 and Littering and Dumping By-law 3-2004, and all of their related amendments, including By-laws 246-2003, 83-2012, 122-2015 are to be repealed.