

THE CORPORATION OF THE CITY OF QUINTE WEST

BY-LAW 08-46

A BY-LAW TO PROHIBIT THE DEPOSITING OF WASTE ON HIGHWAYS, PUBLIC AND PRIVATE LANDS IN THE CITY OF QUINTE WEST

WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, C. 25, As Amended authorizes the Councils of municipalities to pass by-laws with respect to prohibiting the depositing of refuse on land without the consent of the owner or occupant of the land;

AND WHEREAS City Council considers it advisable to pass such a by-law;

NOW THEREFORE the Council of The Corporation of the City of Quinte West enacts as follows:

1. This by-law shall be entitled the "**Littering By-law**"

2. **DEFINITIONS:**

2.1 In this by-law,

"**Bridge**" shall mean a public bridge forming part of a highway or on, over or across which a highway passes;

"**City**" and "**City of Quinte West**" shall mean The Corporation of the City of Quinte West, as incorporated on January 1, 1998;

"**Council**" and "**City Council**" shall mean the Council of the City of Quinte West;

"**Highway**" includes a common and public highway, street, road, and includes the shoulder, ditches, culverts and other untraveled portions of a highway;

"**Lands**" includes any ground, yard, lot or other real property whether or not occupied by a building or structure;

"**Person**" includes an individual, an owner or owners, a lessee or occupants, a firm, a corporation, an association or a partnership;

"**Waste**" shall mean debris, rubbish, filth, garbage or disused material of any kind whatsoever and without limiting the generality of the foregoing, includes animal carcasses and droppings, ashes, bottles, cans, carton, construction materials, discarded appliances, clothing, furniture and household effects, inoperative mechanical equipment, kitchen wastes, lumber, packing materials, paper, tree trimmings and prunings, garden waste, stumps, branches, automobile tires, used oil and automobile parts;

3. **GENERAL PROVISIONS**

Littering Prohibited

3.1 No person shall throw, place, deposit or cause or permit or allow to be thrown, placed or deposited, any waste on any highway or bridge or in any ditch or culvert adjacent to a highway within the City.

3.2 No person shall throw, place, deposit or cause or permit or allow to be thrown, placed or deposited, any waste on any lands of the City without the authority of the Council.

3.3 No person shall throw, place, deposit or cause or permit or allow to be thrown, placed or deposited, any waste, on any privately owned lands within the City.

4. **PRESUMPTION**

4.1 Where waste belonging to or originating from an identifiable person is found on privately owned lands, lands owned by the City or highways within the City, such person shall be presumed, for purposes of this By-law, to have contravened the provisions of Section 3.

5. **EXEMPTIONS**

5.1 The City shall not be responsible for the removal and disposal of waste were the waste has been thrown, placed or deposited on privately owned lands were the waste can not be traced back to an identifiable person.

6. **OFFENCE AND PENALTY PROVISIONS**

6.1 Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.

6.2 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

6. **VALIDITY:**

6.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7. **REPEAL**

7.1 By-law 99-86 is hereby repealed in its entirety.

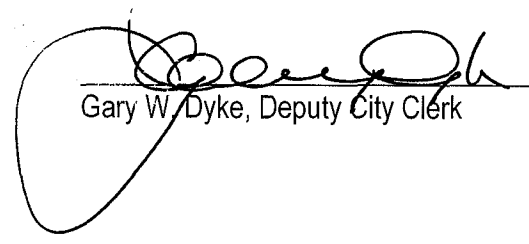
8. **COMMENCEMENT:**

8.1 This By-law takes effect and comes into force upon final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY
PASSED THIS 17th DAY OF MARCH 2008.**



John R. Williams, Mayor



Gary W. Dyke, Deputy City Clerk