



Town of Whitby

By-law # 3163-92

Litter By-law

Being a By-law to prohibit unauthorized dumping on private property or property of the Town of Whitby or any local board thereof

Whereas Subsection 210(82) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by the councils of local municipalities for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property;

And whereas, Subsection 314(1) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, provides that the councils of all municipalities may pass by-laws for prohibiting or regulating the obstructing, encumbering or fouling of highways or bridges;

And whereas, Subsection 314(5) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, provides that the councils of all municipalities may pass by-laws for prohibiting the throwing, placing or depositing of dirt, filth, glass, handbills, paper or other rubbish or refuse or the carcass of any animal, on any highway or bridge;

And whereas, Subsection 314(6) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, provides that the councils of all municipalities may pass by-laws for prohibiting the obstruction of ditches or culverts upon highways;

Now therefore, the Council of The Corporation of the Town of Whitby enacts as follows:

Definitions

1. In this by-law,
 - (a) "bridge" means a public bridge, and includes bridge forming a part of a highway or on, over or across which a highway passes;
 - (b) "highway" means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which a highway passes;
 - (c) "person" includes a corporation and the heirs, executors or administrators or other legal representatives of a person to whom the context can apply according to the law;
 - (d) "shall" shall be construed as imperative; and,
 - (e) "Town" means the Corporation of the Town of Whitby.

General

- 2.(1) No person shall throw, place or deposit refuse or debris on private property or on property of the Town or any local board thereof without authority from the owner or occupant of such property.
- (2) No person shall throw, place or deposit dirt, filth, glass, handbills, paper or other rubbish or refuse or the carcass of any animal, on any highway or bridge under the jurisdiction of the Town.
- (3) No person shall obstruct any ditch or culvert upon any highway under the jurisdiction of the Town.
- (4) No person shall obstruct, incumber, injure or fowl a highway or bridge under the jurisdiction of the Town and without limiting the generality of the foregoing, every person shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the highways by vehicles delivering materials to or removing materials from his or her lands during the course of the erection, alteration, repair or demolition of any building thereon and, in addition to any penalty otherwise provided by law, the owner or occupant of such lands shall be responsible to the Town for the cost of removing such building material waste or soil.

Penalties

3. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a fine of not less than \$1,000.00 and not more than \$5,000.00, exclusive of costs, which shall be recoverable under the provisions of the Provincial Offences Act and all the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this by-law.

Short Title

4. This by-law may be referred to as the Litter By-law.

Repeal of Existing By-Laws

5. By-law No. 3037-91, is repealed.

By-law read a first, second and third time and finally passed this 22nd day of June, A.D., 1992.

Original Signed By

Michael Davy, Deputy Clerk

Original Signed By

Tom Edwards, Mayor