

Littering By-Law

THE CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

BY-LAW NO. 2005-43

BEING A BY-LAW PROHIBITING THE THROWING, PLACING, LITTERING OR DEPOSITING OF MATERIALS SUCH AS BUT NOT LIMITED TO DIRT, FILTH, GLASS, HANDBILLS, PAPER, OTHER REFUSE, RUBBISH, OR THE CARCASS OF ANY ANIMAL, AND TO PROHIBIT AND REGULATE THE OBSTRUCTING, ENCUMBERING, INJURING OR FOULING OF ANY HIGHWAY OR BRIDGE WITHIN THE MUNICIPALITY.

WHEREAS the Municipal Act R.S.O. 2001, Chapter 25 Sections 8, 9, 10, Section 11(1) subsection 1, Sections 27 and 28 authorizes the Council of a Municipality to pass by-laws governing highways and bridges within its jurisdiction.

NOW THEREFORE the Council of the Corporation of the Township of Black River-Matheson hereby enacts the following:

1. DEFINITIONS

For the purpose of this by-law, the following definitions shall apply:

- COUNCIL means the Council of the Corporation of the Township of Black River-Matheson.
- MANAGER means the Manager of Public Works or his/her designate of the Township of Black River-Matheson.
- HIGHWAY includes a common and public highway, street, avenue, lane, parkway, square, place, bridge, viaduct, trestle, sidewalk, and the area between the lateral property lines (road allowance) that is intended for, or used by the general public.
- MATERIAL shall mean gravel, sand, asphalt or any material used for the maintenance of Municipal Highways.
- MUNICIPALITY means the Corporation of the Township of Black River-Matheson.
- MUNICIPAL LAW ENFORCEMENT OFFICER means the By-Law Enforcement Officer of the Township of Black River-Matheson.
- PERSON shall mean and include an individual, singular or plural, corporation,

partnership, company, association or party and heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include the plural wherein the context requires. Wherever the masculine is used, it shall also mean and include the feminine.

- REFUSE shall mean and include ashes, garbage and rubbish, unless otherwise stated.
- RUBBISH shall include all domestic refuse, except ashes, garbage, grass clippings, building materials, waste oil or grease, industrial waste or mine tailings, white metal, bricks, barbeques or any other refuse which would be deposited at a landfill site.

2. GENERAL PROVISIONS

- i. No person shall throw, place, or deposit mud, filth, refuse, rubbish or the carcass of any animal on any highway within the Municipality.
- ii. No person shall throw, place or deposit snow, or permit snow to be placed or deposited on any highway within the Municipality.
- iii. No person shall throw, place or deposit sand, gravel, asphalt, brush, timber, bark on any highway within the Municipality, except as authorized by the Manager.
- iv. No person shall clear away or remove snow from a municipal highway, except as may be necessary to clear away snow blocking access to a private entrance or driveway, except as authorized by the Manager.
- v. No person shall move snow within the road allowance from one side of the road allowance intended for vehicular and pedestrian traffic, to the other side of the road allowance.
- vi. Every person having placed or deposited snow or permitted snow to be placed or deposited on a municipal highway shall remove said snow from the highway.
- vii. No person shall remove any material from any highway within the Municipality, except as authorized by the Manager.

3. AMINISTRATION

The By-Law Enforcement Officer and/or the Manager and their designates shall have the authority to administer this by-law in its entirety.

4. PENALTIES

i. Any person who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5000.00 exclusive of costs as authorized by the Provincial Offences Act as amended, except where expressly provided by law, which will be recoverable under the Provincial Offences Act, and all provisions of the said act shall apply to any prosecution for any offense under the provisions of this By-Law.

ii. Any expenses for services rendered by the Township of Black River-Matheson in respect to enforcing of any provisions of this by-law and/or any maintenance needed which was caused by any violation of this by-law shall be borne by the person responsible for creating the infraction.

iii. Any expenses incurred from Section 4 subsection ii, shall be recoverable in like manner as municipal taxes.

5. SCHEDULES TO FORM PART OF BY-LAW

That Schedule "A", and shall form part of this by-law.

6. TITTLE

This By-Law may be cited as the "Clean Roads" by-law.

7. VALIDITY

If any section, clause or provision of this by-law, including anything contained in any schedule attached hereto, is for some reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provisions so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, not withstanding that one or more provisions thereof shall have to be declared invalid.

That By-Law 32-69, 183-75, 185-75 and 2033-97 and any other by-laws inconsistent with this by-law are hereby repealed.

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

Read a first and second time on this 26th day of September, 2005.

Read a third and finally passed on this 26th day of September, 2005.

MAYOR

CLERK