

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2011-206

**BEING A BY-LAW TO PROHIBIT THE THROWING, PLACING OR
DEPOSITING OF DEBRIS ON PRIVATE OR MUNICIPAL PROPERTY
WITHIN THE CITY OF BELLEVILLE**

WHEREAS the Municipal Act, 2001 provides that a local Municipality may pass by-laws on matters dealing with the economic, social and environmental well being of the municipality;

AND WHEREAS it is deemed desirable and expedient to prohibit the throwing, placing or depositing of refuse or debris on property within the Municipality without authority from the owner or occupant of such property;

NOW THEREFORE the Council of the corporation of the City of Belleville enacts as follows:

Short Title

1. This By-law may be referred to as the "Littering By-law".

Definitions

2. In this By-law:
 - (a) "debris" means all waste, garbage, litter, rubbish, material, refuse, discarded paper or wrappers, cigarette butts and any other discarded or abandoned commodities of any kind whatsoever and without limiting the generality of the foregoing includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location;
 - (b) "private property" means those buildings, structures, lands and premises within the City of Belleville that are not owned or occupied by the City;
 - (c) "City" means the Corporation of the City of Belleville;
 - (d) "City property" includes:
 - (i) buildings and structures within the City of Belleville of which the City is the owner, lessee or licensee; and

- (ii) lands and premises within the City of Belleville of which the City is the registered owner, lessee or licensee; and
- (iii) lands and/or premises within the City of Belleville the ownership of which has been vested in the City through statute or otherwise; and

without limiting the generality of the foregoing, includes those roads and road allowances under the jurisdiction of the City whether open or closed.

- (e) "Owner" includes an occupant, lessee, tenant, mortgagee in possession, and the person in charge of the property;
 - (f) "Person" includes a corporation and an owner;
 - (g) "Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer appointed by the City;
 - (h) "Receptacle" means any barrel, bin, dumpster or other device placed on property, by the owner of such property, for the disposal of debris.
3. No person shall throw, dump, place, deposit or cause or permit to be thrown, dumped, placed or deposited debris on private property without authority from the owner or occupant of such property.
 4. No person shall throw, dump, place, deposit or cause or permit to be thrown, dumped, placed or deposited debris on City property without authority from the City.
 5. No owner of any property in the City of Belleville on which any debris of any kind has been or may hereafter be thrown, dumped, placed or deposited, shall fail to forthwith remove the same.
 6. No person shall place debris in a receptacle which is not owned by the City except with the consent of the owner of such receptacle.
 7. No person shall deposit any debris, generated at a residence, institution or place of business, in a receptacle owned by the City except with the consent of the City.
 8. No person shall permit debris to be blown or otherwise transferred or conveyed from the property occupied by him or her on to any lane, street, creek, water course, roadway or other property in the City.

Exemptions

9. Sections 3 and 4 of this By-law shall not apply to the following:
 - (a) Where, in the normal course of waste collection, a person deposits acceptable debris on a highway or on land owned by the Municipality in compliance with the provisions of applicable by-laws respecting garbage and waste collection;
 - (b) 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;
 - (c) Where, during the course of construction on a property, construction materials including excavated material or fill are stored on that property.

Severability

10. If any section of this By-law may be found by any court of law to be illegal or beyond the power of Council to enact, such section shall be deemed to be severable and all other sections of this By-law shall be deemed to be separate and independent therefrom.

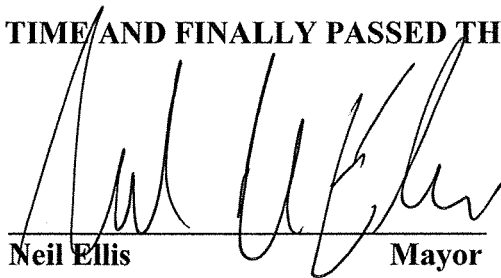
Enforcement

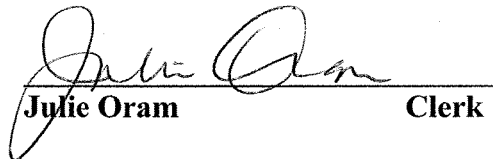
11. The provisions of this By-law shall be enforced by a Municipal Law Enforcement Officer, Police Officer or other individual duly appointed by the City for the purpose of enforcing this By-law.
12. Subject to the provisions of Section 13 of this by-law, wherever this by-law directs or requires anything to be done, in default of it being done by the person directed or required to do it, such thing may be done under the direction of a Municipal Law Enforcement Officer at the expense of such person and the City may recover the expenses incurred in doing it by action or the same may be recovered in like manner as municipal taxes.
13. At least seven days before proceeding under Section 12, the Municipal Law Enforcement Officer shall give written notice to the owner of the property informing the owner of his or her intention to proceed, which notice may be either delivered to the owner in person or sent by prepaid ordinary mail to the owner at the address shown for him or her on the last revised assessment roll and such mailing of the notice shall be deemed to be good and sufficient delivery of the same to the owner.

Penalties

14. Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.
15. Where a conflict arises between the provisions of this By-law and any other By-law of the City the more stringent provisions shall apply.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF DECEMBER, 2011.


Neil Ellis Mayor


Julie Oram Clerk

SET FINE SCHEDULE

THE CORPORATION OF THE CITY OF BELLEVILLE
PART 1, PROVINCIAL OFFENCES ACT

By-law # 2011-206, Being a By-law to Prohibit the Throwing, Placing or Depositing of Debris on Private or Municipal Property within the City of Belleville

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Deposit debris on private property without authority	S.3	\$200.00
2	Permit deposit of debris on private property without authority	S.3	\$200.00
3	Deposit debris on City property without authority	S.4	\$200.00
4	Permit deposit of debris on City property without authority	S.4	\$200.00
5	Owner fail to remove debris from property	S.5	\$200.00
6	Place debris in receptacle without consent	S.6	\$200.00
7	Place residential/institutional/business debris in City receptacle without consent	S.7	\$200.00
8	Permit debris to be blown/transferred to land/street/watercourse	S.8	\$200.00

Note: The penalty provision(s) for offences indicated above is contained in Section 14 of By-law 2011-206, a certified copy of which has been filed.