

# CORPORATION OF THE TOWN OF GANANOQUE

## BYLAW NO. 2011-61

---

### BEING A BY-LAW TO PROHIBIT THE THROWING, PLACING OR DEPOSITING OF REFUSE OR DEBRIS ON MUNICIPAL PROPERTY

---

WHEREAS Section 127 of the Municipal Act, S.O. 2001, c. 25 as amended, permits councils of local municipalities to pass by-laws for requiring the owner or occupant to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, to regulate when and how such matters shall be done, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, and to define "refuse";

AND WHEREAS it is deemed desirable and expedient to prohibit the throwing, placing, or depositing of debris on property of the Municipality;

NOW THEREFORE the Corporation of the Town of Gananoque hereby enacts as follows:

1. Definitions

- 1.1. Debris shall mean all waste material such as discarded and demolished building material, tree branches, limbs, leaves, grass cuttings and any other like waste material.
- 1.2. Litter shall mean debris, rubbish, filth, refuse, garbage or waste matter of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture and household effects, inoperative mechanical equipment, kitchen wastes, lumber, packing materials, paper, soil, soot, tree trimmings and prunings, garden waste, stumps, branches, automobile tires, used oil, automobile parts, snow, ice and slush.
- 1.3. Highway includes any road, bridge, street, land or similar thoroughfare and includes such parts thereof commonly known as roadways, curbs, ditches, sidewalks, median strips, boulevards, islands and associated sewer, catch basin, water courses and retaining walls.
- 1.4. Deposit includes drop, throw, dump or randomly place or store or otherwise disposes of.
- 1.5. Land includes any ground, yard, lot or other real property whether or not occupied by a building or structure.
- 1.6. Municipality shall mean the Corporation of the Town of Gananoque.
- 1.7. Person includes an individual, an association, a firm, a partnership or a corporation.
- 1.8. Refuse shall mean all waste material such as, but not limited to, crockery, glass, bones, metal, rags, discarded wearing apparel, discarded furniture and appliances, and all such other kinds of discarded items subject to decay.
- 1.9. Municipal Law Enforcement Officer shall mean a person appointed by Council for the purpose of enforcing the by-laws of the Municipality.

2. General Regulations

2.1. No person shall throw, place or deposit refuse of debris on any property of the Municipality, other than those areas designated by the Municipality.

3. Notwithstanding the above, Section 2.1 does not apply where, in the normal course of garbage collection, a person deposits litter on a highway or on land owned by the municipality or any local board thereof, in compliance with the provisions of the Town of Gananoque Garbage Collection & Recycling program.

4. Administration and Enforcement

4.1. The Municipal Law Enforcement Officer for the Corporation of the Town of Gananoque shall be responsible for the administration and enforcement of this By-law.

5. Penalties and Fines

5.1. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction of his or her first offence is liable under this by-law to pay the set fine as provided for the Provincial Offences Act.

5.2. Every person who contravenes any provision of this by-law a second and subsequent time is guilty of an offence and on conviction is liable to a fine not more than \$5000.00 (five thousand dollars) as provided in the Provincial Offences Act.

6. Short title

6.1. This By-law shall be referred to as the "Prohibition of Refuse or Debris on Municipal Property by-law".


7. By-law Appealed

7.1. Any and all by-laws or portions thereof conflicting with this by-law are hereby repealed.

8. Effective Date

8.1. This by-law shall be in force and take effect upon receipt of the set fines by the Chief Judge of Ontario

READ A FIRST, SECOND, AND THIRD TIME PASSED SIGNED AND SEALED WITH THE CORPORATE SEAL THIS 05 DAY OF July, 2011.

  
\_\_\_\_\_  
Mayor, Erika Demchuk

  
\_\_\_\_\_  
Clerk, Bonnie Dingwall

THE CORPORATION OF THE TOWN OF GANANOQUE

SCHEDULE "A" – By-law 2011-61

---

PART 1 PROVINCIAL OFFENCES ACT

---

Item	Short Form Wording	Offence creating provision or Defining offence set fine	Set fine (includes costs)
1	Throw debris on property of the Municipality	Section 1	\$150
2	Place debris on property of the Municipality	Section 1	\$150
3	Deposit debris on property of the Municipality	Section 1	\$150
4	Throw refuse on property of the Municipality	Section 1	\$150
5	Place refuse on property of the Municipality	Section 1	\$150
6	Deposit refuse on property of the Municipality	Section 1	\$150