

**CORPORATION OF THE TOWNSHIP OF CHISHOLM**

**BY-LAW NUMBER 2008- 22**

***BEING A BY-LAW TO PROHIBIT THE LITTERING OF  
MUNICIPAL PROPERTY IN THE TOWNSHIP OF CHISHOLM***

WHEREAS The Municipal Act, S.O. 2001, c25, section 127 authorizes a local municipality to prohibit and regulate with respect to refuse and debris, including prohibiting the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

THEREFORE the Council of the Corporation of the Township of Chisholm enacts as follows:

**PART 1 – DEFINITIONS**

**1.01** In this By-Law, unless the context otherwise requires, the word, term or expression:

- (1) “By-Law Enforcement Officer” means a person appointed by law as a By-Law Enforcement Officer.
- (2) “Township” means the geographic entity of the Corporation of the Township of Chisholm.
- (3) “Deposit” means to throw, place or set down.
- (4) “Municipal property” means any land situated within the Township that is owned by the Municipality.
- (5) “Municipality” means the Corporation of the Township of Chisholm.
- (6) “Owner” includes the registered owner, occupant, tenant, person for the time being managing or receiving the rent of the property whether on his or her own account or on account of an agent or trustee of any other person, or any one of the aforesaid.
- (7) “Private property” means property which is privately owned and is not the property of the Municipality.
- (8) “Property” means lands, tenements and any other estate or interest therein and any right or easement affecting the land, and includes any public highway of the Municipality.
- (9) “Refuse” or “debris” includes but is not limited to,
  - (a) garbage,
  - (b) materials recovered through municipal recycling programs,
  - (c) ashes,
  - (d) rubbish,
  - (e) builder’s and building contractor’s materials,
  - (f) industrial waste,
  - (g) inoperative vehicles, and motor vehicle parts and accessories,
  - (h) human waste or secretions,

- (i) material or effluent that appears to have been cast aside or discarded or abandoned,
- (j) material or effluent that appears to be worthless or useless or of no practical value,
- (k) material or effluent that appears to be used up, in whole or part, or expended or worn out in whole or in part.

**PART 2 – PROHIBITION**

2.01 No person shall deposit refuse or debris upon Municipal property without the written consent of the Municipality.

**PART 3 – PENALTY**

3.01 Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. M.45, as amended, or any legislation that replaces it.

**PART 4 – SEVERABILITY**

4.01 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

**PART 5 – SHORT TITLE**

5.01 This by-law may be referred to as the Anti-Littering By-Law.


**PART 6 – COMING INTO FORCE AND EFFECT**

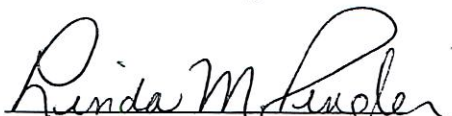
6.01 This by-law shall come into force and take effect on the day of the final passing thereof.

**PART 7 – REPEALED BY-LAW**

7.01 That By-law 2000-04 is hereby repealed.

READ a first, second and third time and passed this 8<sup>th</sup> day of July, 2008.

  
Mayor, Barbara J. Groves

  
Clerk-Treasurer, Linda M. Kingler