

**THE CORPORATION OF THE
TOWNSHIP OF LIMERICK**

BY-LAW 2017-

Being a By-law to prohibit the placing or depositing of refuse or debris,
waste material or wastes on private property or municipal property.

WHEREAS the Municipal Act, 2001, S.O. c. 25, Section 127, as amended, provides that Councils of local municipalities may pass by-laws 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 the Council of the Corporation of the Municipality of Limerick deems it necessary and expedient and in the public interest to enact a By-law to prohibit littering of private or municipal property for all residential, commercial and industrial uses;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LIMERICK enacts as follows:

1. DEFINITIONS

In this by-law

'Commercial or Industrial Waste' means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material.

'Heavy pick-up wastes' means weighty or bulky articles such as furniture, bed springs, mattresses, barrels, boxes, water and fuel tanks (empty only) and any other discarded material which would normally accumulate at a dwelling.

'Household waste' means ashes, garbage, rubbish, discarded material, clothing, waste paper, broken crockery, glassware, and other such articles as would normally accumulate at a dwelling, but shall not include weighty or bulky articles such as stoves, mattresses, furniture, barrels, boxes, trees, discarded truck and automobile parts, tires, batteries, manufacturer's waste, water and fuel tanks, liquid waste, straw, hay and manure, carcass of any dead or live animal, animal feces, natural soil, earth, sand, clay, gravel, stones or other excavated materials and fence wire.

'Municipal property' means any property under the jurisdiction of the Municipality.

'Municipality' means the Corporation of the Township of Limerick.

'Person' means a natural person, unincorporated association or organization, firm, partnership, private club, corporation, agent or trustee and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to the by-law.

'Private property' means privately owned property zoned for residential, commercial or industrial use.

'Refuse or debris' shall include sand, rock, gravel, grass, weeds, liquids, domestic garbage, trees, asphalt, concrete or pieces thereof or any commercial or industrial waste.

'Waste material' includes: garbage, rubbish, discarded building materials, refuse or junk, boulders in excess of 0.028 cubic metres, trees or tree stumps, tin cans, bottles, boxes or other containers, derelict or inoperative motor vehicles, derelict, abandoned or inoperable machinery, appliances and furnishings, both household and commercial, agricultural waste or sewage, or any liquid waste accumulated from home or place of business, and animal carcasses.

'Waste' shall mean any or all of the definitions of this section for the purposes of this by-law, including heavy pick-up wastes, household wastes, refuse or debris and waste material.

2. OFFENCES

2.1 No owner shall allow or permit the creation, presence or existence of excessive amounts of any refuse or debris, waste material or wastes in or upon any yards, vacant lots, grounds or buildings which such owner owns, rents, occupies or has an interest, whether such interest is legal or equitable.

2.2 No person shall throw, place or deposit any refuse or debris, waste material or wastes on private property or on the property of the municipality or any local board thereof without the authority from the owner or occupant of such property.

3. REMOVAL

Where the property owner or municipal authorities are required to remove any refuse or debris, waste material or wastes deposited on their property, the full costs of such removal shall be recoverable from the person responsible or the property owner responsible for such littering or discarding.

4. NOTICE UNAUTHORIZED DUMPING IN MUNICIPAL PROPERTY CONTAINERS

The municipality shall post notices that unauthorized dumping in a container or dumpster placed on municipal property is prohibited in accordance with this by-law.

5. INSPECTIONS

The By-law Enforcement Officer, or other person appointed for the purpose of enforcing this by-law

- a) has the power to enter upon and examine any yards, vacant lots, grounds or buildings, other than a dwelling, at any reasonable time or times, and
- b) may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this by-law.

6. OTHER LEGISLATION

If this by-law conflicts with the provisions of any other by-law of the County of Hastings the provisions of that by-law prevail to the extent of the conflict.

7. VALIDITY AND SEVERABILITY

Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this by-law or of the by-law as a whole.

8. PENALTY

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c.P.33.

9. SHORT TITLE

This by-law shall be cited as the "Clean Municipality" by-law.

10. FORCE AND EFFECT

This by-law shall come into force and effect upon the day of final passage thereof.

READ a First time this 19th day of June 2017;

READ a Second time this 19th day of June 2017;

READ a Third Time and finally passed this 19th day of June 2017.

Set Fine Schedule
THE TOWNSHIP OF LIMERICK
Part I Provincial Offences Act

Bylaw 2017 - Depositing of Refuse

ITEM	COLUMN1! Short Form Wording	COLUMN2 Provision creating or defining offence	COLUMN3 Set Fine
I	Unauthorized creation of any refuse or debris, waste material	Section 2.1	\$500.00
2	Unauthorized presence of any refuse or debris, waste material	Section 2.1	\$500.00
3	Unauthorized throwing of any refuse or debris or waste material	Section 2.2	\$500.00
4	Unauthorized placing or depositing of any refuse, debris or Waste material	Section 2.2	\$500.00

NOTE:

The penalty provisions for the offences indicated above is Section 5.8 of Township of Limerick By-Law Number 2017- a certified copy of which has been filed.

**Set Fine Schedule
THE TOWNSHIP OF LIMERICK
Part I Provincial Offences Act**

Bylaw 2010-059 Depositing of Refuse

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
I	Unauthorized creation of any refuse or debris, waste material	Section 2.1	
2	Unauthorized presence of any refuse or debris, waste material	Section 2.1	
3	Unauthorized throwing of any refuse or debris or waste material	Section 2.2	
4	Unauthorized placing or depositing of any refuse, debris or Waste material	Section 2.2	

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