

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act, 1999*, SNL 1999 c M-24, s 414(2)(pp)(ii) and any other enabling sections of the Act, the following Regulations have been made by the Town Council of the Town of Bauline on the 27th day of October 2020.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 6th day of November 2020.

Craig LeGrow
Mayor

Craig Drover
Town Clerk Manager

ANTI-LITTER REGULATIONS

1. These Regulations may be cited as the Town of Bauline *Anti-Litter Regulations*.

INTERPRETATION

2. In these Regulations, unless the context requires otherwise
 - (a) "**Act**" means the *Municipalities Act, 1999*, SNL 1999 c M-24;
 - (b) "**Authorized Receptacle**" means a bin or container used for the purpose of storing garbage during periods between garbage collection that has been approved by Council;
 - (c) "**Commercial Property**" means any property or building that is used or designed for use for business, commercial industrial, or institutional purposes, including those areas as defined in the zones outlined in the Town's Municipal Plan;
 - (d) "**Council**" means the Town Council of the Town of Bauline;

- (e) **"Litter"** includes
 - (i) any excrement, waste, refuse, garbage, rubbish, obnoxious substance, unsanitary matter, ashes, street cleanings, dead animals, paper wrappings, cardboard boxes, tin cans, leaves, wood, bedding, crockery, glass bottles, glass in all forms, cement bags, or packaging material;
 - (ii) vehicles that are wrecked, discarded, dismantled, inoperative, unused, without identifying license plates, or apparently abandoned, including the parts and accessories thereof, that have been left unattended without lawful authority;
 - (iii) appliances, furniture, and the parts and accessories thereof that have been left unattended without lawful authority or which appear to be abandoned by reason of their age, appearance, mechanical condition; or,
 - (iv) any other material that, by reason of its state, condition, or excessive accumulation appears to
 - (a) have been discarded or abandoned;
 - (b) have little or no monetary value;
 - (c) be used up, expended, or worn out in whole or in part; or,
 - (d) cause or is likely to cause unsightliness within the Town or create danger to health, welfare, or public safety.
- (f) **"Notice"** means a notice issued in writing under section 16 or section 18 of these Regulations;
- (g) **"Occupant"** means the Person of any property who
 - (i) owns the property;
 - (ii) resides in the property;
 - (iii) conducts business at the property;
 - (iv) is in physical possession of the property; or,
 - (v) has responsibility for and control over the condition of the property, activities conducted on the property, and the persons allowed to enter the property.

(h) "**Person**" means a person, firm, partnership, association, corporation, company, or organization of any kind;

(i) "**Regulations**" shall mean the Town of Bauline Anti-Litter Regulations;

(j) "**Town**" means the Town of Bauline.

APPLICATION

3. These Regulations shall apply within the boundaries of the Town.

LITTER

4. The Occupant of any property shall keep that property free of Litter, unless that Litter is contained or held in an Authorized Receptacle.

5. The Occupant of a Commercial Property shall keep the Commercial Property, parking area, street, sidewalk, and drainage ditch, curb, and gutter abutting the Commercial Property free of Litter, unless that Litter is contained or held in an Authorized Receptacle.

6. No Person shall throw or deposit Litter in or upon any street, sidewalk, public place, pond, river, stream, or upon private property within the Town, unless that Litter is contained or held in an Authorized Receptacle.

7. No Person shall throw or deposit Litter in any park within the Town, unless that Litter is contained or held in an Authorized Receptacle.

8. No Person shall throw or deposit Litter in any ditch, pond, or stream or other body of water in any park or elsewhere within the Town.

9. In any situation where Authorized Receptacles are not provided, Litter shall be carried away by the Person responsible for its presence and properly disposed of in an Authorized Receptacle.

USE OF RECEPTACLES

10. Persons placing Litter in Authorized Receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, public place, pond, river, stream, or upon private property.

GUTTERS AND STREETS

11. No Person shall sweep into or deposit Litter into any gutter, street, or other public place, including Litter from any public or private sidewalk in front of a Person's premises.

12. No Occupant of a Commercial Property shall sweep into or deposit Litter into any gutter, street, or other public place, including Litter from any building, lot, public sidewalk, private sidewalk, or driveway.
13. No Person, whether as a driver or passenger in a vehicle, shall throw or deposit Litter upon any street, sidewalk, public place, pond, river, stream, or upon private property within the Town.
14. No Person shall drive or move any truck or other vehicle within the Town, unless such vehicle is so constructed to prevent any load, contents, or Litter from being blown or deposited upon any street, lane, public place, or private property.
15. These Regulations shall not prohibit Persons from watering sidewalks, gutters, or streets fronting their premise in order to minimize or control the spreading and flow of dust.

LITTER ON PRIVATE PROPERTY

16. No Person shall throw or deposit litter on any private property within the Town whether the property is owned by such person or not, except that the owner of person in control o private property may maintain authorized receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

WARNINGS, NOTICES, AND ENFORCEMENT

17. The Town Clerk/Manager or other authority appointed by Council may issue a Notice in writing to the Occupant of a property in the event that the property is not being maintained in accordance with these Regulations.
18. A Notice issued by the Town may require the Occupant to comply with the Regulations by removing any Litter considered, in the opinion of Council, to be in contravention of these Regulations within forty-eight (48) hours of the time the Notice is served on the Occupant.
19. Where, after reasonable attempts to locate the Occupant, the Occupant cannot be located for service of a Notice issued under section 16, the Town may post or affix the Notice on any door of any building on the property or, in the event there is no building, in any visible location on that property and the Notice shall be deemed served seventy-two (72) hours after it has been posted or affixed.

- 20.
- (a) Where a Notice served under section 16 or section 18 is not complied with within the required time frame, the Town Clerk/Manager may cause the Litter to be removed and disposed of in accordance with the garbage collection policies of the Town.
 - (b) The Town may cause the cost of any such removal under subsection (1) to be billed to the Occupant and such cost will become a debt owed to the Town.

OFFENCES

21. Any person who contravenes the provisions of these Regulations or who fails to comply with any provision thereof including orders made pursuant to these Regulations, or neglects or refuses to do so, is guilty of an offence.

PENALTIES

22. Any person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof or neglects or refuses to do so
- (a) shall be liable to penalties as stipulated in accordance with section 420 of the Act;
 - (b) shall be subject to an order under section 404(1)(l) of the Act;
 - (c) shall be subject to a violation notice issued under section 421.1(2) of the Act; or,
 - (d) shall be issued a ticket in accordance with section 421.2 of the Act.

SEVERABILITY & COMPLIANCE WITH OTHER ACTS

23. If a Court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remaining portions of the Regulation and the remainder of these Regulations should be valid and shall be in force and effect.
24. Where conflict exists between these Regulations and any provincial law or regulation, the provincial law or regulation shall apply.

EFFECTIVE DATE

25. These Regulations come into force on the th day of October , 2020.