The Corporation of the City of Peterborough

By-Law Number 14-131

Being a By-law to Amend Chapter 684 of the City of Peterborough Municipal Code - Littering

Whereas pursuant to sections 11(2) clauses 5 and 6 and 127 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, Council may pass By-laws for prohibiting the deposit of refuse on private and public lands and for requiring the cleaning and clearing of refuse;

And Whereas By-law 94-55 amends Chapter 684 of the City of Peterborough Municipal Code – Littering;

And Whereas it has been deemed necessary by the Council of the Corporation of the City of Peterborough to further amend Chapter 684 to reflect that dead or dying trees, branches leaves or shrubs shall not be transferred or conveyed in any matter onto City or any other property in the City;

Now Therefore, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

Chapter 684 of the City of Peterborough Municipal Code – Littering be amended as follows:

1. Article 1 is hereby deleted in its entirety and the following substituted in place thereof:

   Article 1
   INTERPRETATION

   684.1.1 By-law Enforcement Officer – defined
   “By-law Enforcement Officer” means a person duly appointed to enforce the provisions of this By-law;

   684.1.2 City – defined
   “City” means The Corporation of the City of Peterborough;

   684.1.3 City’s property – defined
   “City’s property” means any lands situated within the City which is owned by or controlled by the Corporation of the City of Peterborough by lease or otherwise;

   684.1.4 Garbage container – defined
   “Garbage Container” has the same meaning as contained in Chapter 594, City of Peterborough Municipal Code;

   684.1.5 Litter- defined
   “Litter” includes all waste, garbage, rubbish, debris, material, refuse, discarded materials or garbage of any kind whatsoever and includes, whether of value or not:

   a. weighty or bulky items such as appliances, furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks placed in a condition or location where they cannot be used for their intended purposes;

   b. paper, cartons;
c. dilapidated furniture;

d. crockery, glass, cans, containers;

e. garden refuse and trimmings;

f. material from or for construction and demolition projects;

g. domestic and industrial waste;

h. dead or dying trees, branches, leaves or shrubs;

i. inoperative Motor Vehicles;

j. motor Vehicle parts;

k. mechanical equipment or equipment parts placed in a condition or location
   where they cannot be used for their intended purposes;

l. earth or rock fill;

m. clothing or other household linens lying in an unprotected condition;

n. objects or conditions that may create a health, fire or accident hazard; and

o. animal feces.

684.1.6 Person – defined

“Person” means an individual, trustee, legal representative, proprietor, body
   corporate, association or partnership.

684.1.7 Receptacle- defined

“Receptacle” means any barrel, bin, dumpster or other device placed on property
   by the owner or occupant of such property, for the disposal of Litter.

2. Article 4 is hereby deleted in its entirety and the following substituted
   thereof:

   Article 4
   ENFORCEMENT

684.4.1 Enforcement – By-law Enforcement Officer

This By-law may be enforced by any designated By-law Enforcement Officer.

684.4.2 Enforcement – Notice of remedy

Where the Person who owned or deposited any Litter on City's property can be
   determined, that Person shall be required, upon written notice from the By-law
   enforcement Officer, to remove such Litter.

684.4.3 Enforcement – Content of Notice

Every notice sent by a By-law Enforcement Officer under this by-law shall identify
   (1) the Person to whom it is directed; (2) the property where the Litter is located;
   (3) reasonable particulars of the contravention and (4) the work to be done and
   the date by which the work must be done.

684.4.4 Enforcement – Notice – Delivery

Service of any notice under this by-law may be served either:
   a. Personally upon the Person required to be served, or
   b. By prepaid, registered mail at the address of the Person required to be
      served at the last known address.  If the service is affected by prepaid,
      registered mail, service will be deemed to have been received three (3)
      days following the mailing of such notice.

684.4.5 Enforcement- refusal to remove Litter

No Person shall refuse or fail to remove any Litter in accordance with a notice
   referred to in section 684.4.2
3. Article 5 is hereby inserted:

**Article 5**

**DEFAULT**

684.5.1 Default – Remedial action
When a Person is in default of doing any matter or thing directed or required to be done under this by-law, the By-law enforcement officer may have the matter done and the cost thereof may be added to the property tax roll and collected in the like manner as municipal taxes.

684.5.2 Default – Remedial action – Alternative recovery of cost
The City may, prior to recovering costs incurred in section 684.5.1, invoice a Person requesting voluntary payment of the said remedial action cost.

4. Article 6 is hereby inserted:

**Article 6**

**OFFENCES**

Any Person who contravenes this Chapter is guilty of an offence and shall be liable upon conviction to a fine of not more than five thousand dollars ($5,000.00) for each offence. Such fines shall be recoverable under the *Provincial Offence Act*.

5. Article 7 is hereby inserted:

**Article 7**

**PENALTIES**

The provision of this by-law may be enforced pursuant to the provisions of the *Provincial Offences Act*, and where any provision of this by-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty may also be prohibited from continuing or repeating the offence in accordance with section 444 of the *Municipal Act*, S.O.2001, as amended.

By-law read a first, second and third time this 29th day of September, 2014.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) John Kennedy, City Clerk