

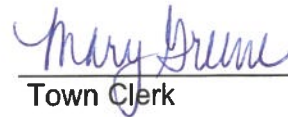
## PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act, 1999*, S.N.L. 1999, c. M-24, as amended, Section 414(2)(pp)(iii) and (iv) the following Regulations have been made by the Town Council of the Town of Placentia and were approved on the **18th day of June 2013**.

Notice of Motion to adopt amendments to the Regulations was given at the Town's regular public Council meeting held on the **29th day of September 2020 (Motion # 20-256)**



Mayor



Town Clerk

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## ANTI-LITTER REGULATIONS

1. These Regulations shall be known and cited as the *Town of Placentia Anti-Litter Regulations*.
2. In these Regulations, unless the context otherwise requires:
  - (a) **"Act"** means the *Municipalities Act, 1999*, RSN 1999, c. M-24, as amended.
  - (b) **"Authorized Receptacle"** means a litter storage or collection receptacle as may be approved by Council;
  - (c) **"Council"** means the Town Council of the Town of Placentia;
  - (d) **"Hand Bill"** means any printed matter or written matter, circular sample, advertisement, leaflet or paper other than a newspaper;
  - (e) **"Nuisance"** means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things that, in the opinion of Council, has an unpleasant effect on the senses of reasonable Persons of ordinary sensitivity in the vicinity or adversely affects the amenities of the surrounding property;
  - (f) **"Person"** includes any individual, corporation, partnership, association, organization, trustee, or society;
  - (g) **"Refuse"** includes but is not limited to garbage, litter, ashes, rubbish, waste of all manner, paper, inoperative vehicles, vehicle parts, excrement, and animal carcasses; and,
  - (h) **"Town"** shall mean the Town of Placentia.
3. No person shall obstruct, litter or befoul any street, sidewalk or public place in the Town with any refuse, debris, litter, garbage or any unsanitary, offensive or injurious substance

or article of any kind, or place, leave or keep on any street, sidewalk or public place in the Town any dilapidated or unsightly vehicle, machine, article or thing.

4. Persons placing refuse 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 or other public place, or upon private property, or pond, river or stream.
5. Persons owning or occupying properties within the Town shall keep the sidewalk in front of their property free of refuse.
6. In addition to sidewalk responsibility, persons owning or occupying places of business within the Town shall keep their parking areas free of refuse.
7. No person shall sweep into or deposit into any gutter, street or other public place within the Town the accumulation of refuse from any building or lot or from any public or private sidewalk or driveway.
8. No person while a driver or passenger in a vehicle shall throw or deposit refuse of any description upon any street or other place or upon private property within the Town.
9. No person shall drive, move or park any truck or other vehicle within the Town unless such vehicle is so constructed, secured or loaded so as to prevent any load contents or refuse from dislodging, falling from or otherwise being deposited upon any street, lane or public place or private property or becoming a nuisance within the Town.
10. No person shall throw or deposit refuse in any park within the Town except into authorized receptacles and in such a manner that the refuse will be prevented from being carried or deposited by the elements upon any street or any part of the park or any other public place or private property. Where authorized receptacles are not provided, all such refuse shall be carried away from the park by the persons responsible for its presence and properly disposed of elsewhere as provided herein.
11. No person shall throw or deposit refuse in any ditch, pond or stream or other body of water in any park or elsewhere within the Town.
12. No person shall post or affix any notice, poster or other matter or device calculated to attract the attention of the public to any lamp post, public utility pole, tree, or upon any public structure or building except as may be authorized by the Council or required by law.
13. No person shall throw or deposit refuse on any private property within the Town, whether the property is owned by such person or not, except that the owner or person in control of private property may maintain authorized receptacles for collection in such a manner that refuse will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
14. Every commercial business where goods are sold that will subsequently generate waste from patrons shall provide suitable containers for said waste, recyclables, and refuse. Containers which are non-disposable shall be maintained in a good state of repair and in a sanitary condition. In addition, all commercial businesses that operate a drive-thru shall provide suitable waste containers directly within that drive-thru for the use of patrons using same to obtain goods. These units should be accessible from the vehicle at all times without requiring the driver to leave said vehicle to dispose of waste. These

containers should be placed in such a way that they do not cause imposition/damage to vehicles and to the flow of traffic through that drive-thru.

15. A suitable container shall mean a standard metal garbage container, or a container of other substantial material approved by Council. Each container, with the exception of polyethylene bags, shall have a content capacity of not less than twenty-five (25) liters (5.5 gallons) and a minimum size of 66 cm x 91 cm (26 in. X 36 in.).
16. The Town Clerk or other person appointed by Council is empowered and authorized to order the owner or occupier of any private property within the Town to properly dispose of any or all refuse located on such property. Such order shall be by means of a notice signed by the Town Clerk or Municipal Enforcement Officer and served upon the owner or occupier
17. If any notice issued and served under Section **16** is not complied with or is not so far complied with as the Council regards as reasonable within the time mandated in the notice, Council may carry out the directions contained in the notice through its officers, agents, employees or contractors and recover the cost of so doing as a civil debt from the person on whom the notice was served.
18. These regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Officer, Peace Officer or any person appointed by council.
19. It shall be the duty of the Municipal Enforcement Officer or any person appointed by the Council to enforce these Regulations:
20. To report the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations.
  - (a) To report the time and nature of the violation of the Regulations and any circumstances being relevant to the violation.
  - (b) To serve upon the person violating any provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations and instructing such person to carry out any order in regard to such violation within a stated period of time.
  - (c) To furnish the Town Clerk a duplicate of each serially numbered notice of violation.
21. Every person served with a notice of violation shall carry out the instruction contained in such notice.
22.
  - (a) Every person who acts in contravention of or fails to comply with any provision of these Regulations, or neglects or refuses to do so:
    - (i) shall be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with section 414(2)(q) of the Act; or,

- (ii) where a violation notice has been issued pursuant to Section 421.1 of the Act, be liable to penalties as stipulated under the schedule of fines and penalties in these Regulations in accordance with Sections 421.2, 421.3 and 421.4 of said Act; or,
  - (iii) shall be liable on summary conviction to a fine in accordance with Section 420 of the Act, which such fine shall not exceed \$500.00, and in default of payment of such penalty to imprisonment for a period not exceeding ninety days.
- (b) Any person convicted of a summary offence under these Regulations may be ordered by the court to remove the refuse he or she deposited contrary to these Regulations.
  - (c) Failure of the owner to remove a vehicle from a residential or commercial area within the Town where Council has not unreasonably deemed it a nuisance will result in that vehicle being impounded and all costs related to such impoundment will be the responsibility of the owner. The Town is not obligated to contact the owner prior to the removal.
23. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of these Regulations shall not affect the validity of the remaining parts of these Regulations.
  24. Schedule "A" attached hereto shall form part of these Regulations.
  25. These Regulations shall come into effect on the      day of      , 2013.      .
  26. These regulations were published at <http://www.placentia.ca> & the Town of Placentia Facebook Page on the      day of      2020.
  27. These regulations were published in the Newfoundland Gazette on the      day of 2020.
  28. A copy of these regulations was sent to the Minister of Municipal Affairs on the      day of 2020.
  29. All previous Town of Placentia Anti-Litter Regulations and amendments are repealed.

Schedule "A"

Fines and Penalties

*Anti-Litter Regulations*

Penalty
A fine of not more than the dollar amounts specified below shall be levied per breach of Section(s) of the herein regulations:
1 <sup>st</sup> Violation Notice: \$50
2 <sup>nd</sup> Violation Notice: \$75
3 <sup>rd</sup> Violation Notice: \$100