



ANTI-LITTER AND DUMPING REGULATIONS, 2012

Adopted by the Town Council of the Town of Labrador City on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 18th day of July, 2012.


DEPUTY MAYOR



TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 and any other sections found enabling under the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended, the Town of Labrador City enacts the following Regulations in relation to the prohibition of littering and dumping as adopted by Council on the 17th day of July, 2012 and to come into effect as of the 17th day of July, 2012.

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ANTI-LITTER AND DUMPING REGULATIONS, 2012

Title

1. Title

These Regulations may be cited as the "Town of Labrador City Anti-Litter and Dumping Regulations, 2012":

Definitions and Application

2. Definitions

For the purpose of these Regulations unless the context otherwise requires:

- (a) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;
- (b) "Authorized Receptacle" means a litter storage or collection receptacle as required by the "Town of Labrador City, Residential Waste Management By-Law", or as otherwise approved by Council;
- (c) "Authorized Landfill Site" means an area designated by the Town to receive residential, commercial and industrial waste or an area under permit by the Town to receive soil from an excavation site;

- (d) "Commercial Property" shall mean any property or building that is used or designed for use for business, commercial, industrial or institutional purposes or vacant land within a commercial zone;
- (e) "Council" means the Town Council of Labrador City;
- (f) "Enforcement Authority" means Council or its authorized administrator;
- (g) "Litter" means any obnoxious substance, waste, or unsanitary matter, refuse, garbage, rubbish, ashes, street cleanings, dead animals, paper wrappings, cardboard boxes, tin cans, leaves, wood bedding, crockery, glass bottles and glass in all its forms, construction and demolition materials, excavation and landscaping debris, cement bags and bags of all description, and other matter or thing which if thrown, deposited or dumped as herein prohibited, tends to or is likely to cause, or causes, unsightliness within the Town or creates a danger to health, welfare, or public safety, and includes apparently abandoned vehicles and appliances;
- (h) "Municipal Boundaries" means the municipal planning area as defined by the Urban and Rural Planning Act;
- (i) "Owner" means the legal entity having title to a property;
- (j) "Occupier" means any person who is a tenant of a property;
- (k) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (l) "Police Officer" means a member of the Royal Newfoundland Constabulary or a Municipal Enforcement Officer of the Town of Labrador City;
- (m) "Residential Property" shall mean a dwelling and the yard around it, and all accessory buildings, out buildings, fences, barriers, retaining walls or other erections therein and thereon, or vacant land within a residential zone;
- (n) "Town" shall mean the Town of Labrador City as defined by Order-in-Council dated the 27th day of June, 1961, and any amendments thereto, according to the Municipalities Act;
- (o) "Town Clerk" shall mean the Town Clerk of the Town of Labrador City.

3. *Application*

- a) These Regulations shall apply to all residential and commercial property and lands contained within the municipal boundaries of the Town of Labrador City.
- b) If there is a conflict between a provision of these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.

General Duties and Obligations

4. *Litter in Public Places*

- a) No person shall obstruct, litter or defoul 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;
- b) No person shall sweep into or deposit into any gutter, street, or other public place within the Town the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter;
- c) The owner of Commercial Property shall keep the street, sidewalk and drainage ditch or curb and gutter abutting or adjacent to his or her property free of refuse, debris, litter, garbage, and any unsanitary, offensive or injurious substance or article of any kind.
- d) No person owning or occupying a place of business shall sweep into or deposit into any gutter, street, or public place within the Town the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the grounds, sidewalk and parking area free of litter. Nothing in this Section shall prohibit persons from watering sidewalk, gutters, or streets fronting their premises in order to minimize or control the spreading and flow of dust.

5. *Placement of Litter in Receptacles so as to Prevent Scattering*

Persons placing litter in authorized receptacles or in an authorized landfill site shall do so in such a manner as to prevent it from being carried or deposited by elements upon any street, sidewalk, or other public place, upon private property, or pond, river, or stream.

6. *Litter Thrown by Persons in Vehicles*

No person while a driver or passenger in a vehicle shall throw or deposit litter of any description upon any street or public place or upon private property within the municipal boundaries.

7. *Truck Loads Causing Litter*

No person shall drive or move any truck or other vehicle within the municipal boundaries unless such vehicle is so constructed or loaded so as to prevent any load, contents, or litter from being blown or deposited upon any street, lane, or public place or private property.

8. *Disposal of Waste Materials*

All litter including but not limited to, construction, demolition, excavation and landscaping waste shall be disposed of at a landfill site authorized by Council.

9. *Litter in Parks*

No person shall throw or deposit litter in any park within the municipal boundaries except in an authorized receptacle, and in such a manner that the litter 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 litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

10. *Litter in Waterways*

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 municipal boundaries.

11. Posting Notices Prohibited

No person shall post or affix any notice, poster, or other matter or device designed 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 Council or required by law.

12. Litter on Private Property

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

Powers of Enforcement Authority and Compliance

13. Enforcement

- (a) Enforcement and prosecution under these Regulations may be under taken by any Police Officer or by any other person so authorized by the Enforcement Authority.
- (b) It shall be the duty of a Police Officer or the Enforcement Authority to enforce these Regulations and to:
 - i. Report the name and address of any person observed, or reliably reported to have violated any provision of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
- (c) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address.
- (d) The Enforcement Authority may cause any article or thing placed, left or kept in or upon any street, sidewalk, drainage ditch, curb or gutter, or public place in contravention of these Regulations be removed and disposed of at an appropriate sanitary disposal location;

- (e) The Enforcement Authority may cause the cost of any such removal and disposal of all litter as provided in subsection (d) to be billed to the property owner or person(s) responsible and such cost shall be recoverable as a civil debt and shall attach to the property as a secured claim.
- (f) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations.
- (g) The owner or any other person served a notice shall carry out the directions of Council referred to in subsection (f) at the cost of the owner or person served and within the time specified.

14. *Right of Entry*

Pursuant to Section 158 of the Act and provision of reasonable notice, Council or its duly authorized agents have the authority to enter a property for the purposes of inspection or to carry out work as required under these Regulations.

15. *Failure to Comply*

- (a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 13(f) of these Regulations, Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a civil debt owed to Council and shall attach to the property as a secured claim.
- (b) Council may delegate to an official or employee of Council the power to issue orders under this section.
- (c) Council, its employees, servants or agents shall be saved harmless from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

16. Offence and Penalty

- a) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence;
- b) Every person who commits 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:
 - i. Shall be liable to penalties pursuant to Section 421.1 of the Act or,
 - ii. Shall be liable on summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.
- c) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection b) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;
- d) In addition to the penalty prescribed under subsection b) a Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person to carry out all work in accordance with these Regulations. If that person does not carry out that order within the time prescribed by the Provincial Court judge, the judge may designate a person to carry out the order and the cost of carrying out the order shall be borne by and may be recovered as a civil debt from the person convicted and shall attach to the property as a secured claim.

17. Severability

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 remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

Repeal of Previous Regulations

18. Repeal

All previous anti-litter regulations relating for the Town are hereby repealed.