

ANTI-LITTER REGULATIONS 2022

PUBLISHED BY AUTHORITY

Pursuant to the powers vested in it by virtue of Section 414 (2)(pp) of the Municipalities Act, 1999 and all other powers it enabling, the Town Council of Wabush in regular session convened on the 23rd day of June, 2022 hereby passes and enacts the following regulations for the control and prevention of littering.

1. These regulations may be cited as the Town of Wabush (Anti-Litter Regulations) 2022.
2. Interpretations: In these regulations unless the context otherwise requires:
 - a) "Act" means the Municipality Act, 1999, SNL 1999 Chapter M-24 as amended.
 - b) "Council" means the Town Council of the Town of Wabush, constituted under the provisions of the Municipalities Act, 1999.
 - c) "Authorized Receptacle" means a litter storage or collection receptacle that may be approved by Council. (Authorized receptacle means a Garbage container as defined and required by the Town of Wabush Waste Disposal (Garbage) Regulations or as may be approved by the Town of Wabush.
 - d) "Authorized Landfill Site" means an area designated by the Town to receive residential, commercial and industrial waste or an area under a permit by the Town to receive soil from an excavation site.
 - e) "Commercial Property shall mean any building or property that is used or designed for use for business, commercial, industrial or institutional purposes or vacant land within a commercial or industrial zone.
 - f) "Enforcement Authority" means Council or its authorized administrator.
 - g) "Hand Bill" means printed or written matter, circular sample, advertisement, leaflet or paper of other than a newspaper or Her Majesty's Mail.
 - h) "Litter" means any obnoxious substance, waste or unsanitary matter, refuse, garbage, rubbish, ashes, cigarette butts, street cleaning, dead animals, paper wrappings, cardboard boxes, tin cans, leaves, wood, bedding, crockery, glass bottles and glass in all forms, construction and demolition materials, excavation and landscaping debris, cement bags, and bags of all descriptions and other matter of things which if thrown or deposited as herein prohibited tends, or is likely to cause or causes unsightliness within the Town or creates a danger to health, welfare or public safety and includes abandoned vehicles, furniture and appliances.

- i) "Nuisance" means any obnoxious substance, animal waste or unsanitary matter or noise that has an unpleasant effect on the senses. (Nuisance means anything, in the opinion of Council or any Person authorized by Council, that endangers life or health, gives offence to the senses, violates the laws of decency or obstructs reasonable and comfortable use of property in any way, and includes any obnoxious substances, smoke, animal waste or unsanitary matter or noise that has an unpleasant effect on the senses.
- j) "Owner" means the legal entity having title to a property.
- k) "Occupant" means any Person who is an agent, tenant or occupier of a property
- l) "Person" means any person, firm, partnership, association, corporation, company, cooperator, club, society or any other corporate body or organization of any kind.
- m) "Residential Property" means 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) "Waste" means rubbish, offal, slime, tailings, effluent, sludge, sewage, garbage, refuse, scrap metal, litter or other substances or waste products that would or could cause an adverse effect.
- o) "Town" means the Town of Wabush.

3. Application

These regulations shall apply within the boundaries of the Town.

4. Litter

No person, firm or corporation shall deposit, throw, sweep or place any litter in or upon any street, lane, sidewalk, drain, public place, beach area, pond, river, stream, or private property within the Town, except in authorized receptacles for collection.

5. Placement of Litter in Receptacles

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, lane, sidewalk, drain, public place, beach area, pond, river, stream or private property within the Town.

6. Business Area (Replace with Commercial Property Below)

Persons owing or occupying places of business within the Town shall keep their parking areas free of litter.

7. Commercial Property Responsibility

- a) The Owner or Occupant of a 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.
- b) No Person owning or occupying a Commercial Property 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 a Commercial Property within the Town shall keep the sidewalk or parking lot free of litter.
- c) Nothing in this Section shall prohibit Persons from watering sidewalks, gutters or streets fronting their premises in order to minimize or control the spreading and flow of dust.

8. Sweeping Litter into Gutters Prohibited

No person, firm or corporation shall sweep into or deposit into any gutter, public place, street, or drain within the Town the accumulation of litter from any building, 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.

9. Litter Thrown by Persons in Vehicles

No person, firm or corporation while being a driver or passenger in a vehicle shall throw or deposit litter or any description upon any street, public places or upon any private property within the Town.

10. Truck Loads Causing Litter

No person shall drive, park or move any truck or other vehicle within the Town 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, land, public place, or private property or becoming a nuisance within the Town

11. Disposal of Waste Materials

All litter including, but not limited to, construction, demolition, excavation, and landscaping material shall be disposed of at the Labrador West landfill site.

12. Litter in Parks

No person shall throw or deposit litter in any park within the Town except in authorized receptacles and in such a manner that the litter will be prevented from being carried or

deposited by the elements upon any street or 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.

13. Litter in Walkways

No person shall throw or deposit litter in any ditch, pond, or stream or other body of water in any park or walking trail or elsewhere in the Town.

14. Posting Notices Prohibited

No Person shall post or affix any notices, 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.

15. Litter on Private Property

- a) 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 or person in control of 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 a private property. This will include Hand Bill material delivered to residential and business locations. All Hand Bill material shall be deposited in a mailbox or in the absence of a mailbox at the front door of a residence or the door of a business. Hand Bills shall not be placed on lawns, driveways or walkways.
- b) All Residential Properties shall be kept clean and free from visible wrecked, dismantled, inoperative, unused or abandoned vehicles and any other machinery or any parts thereof, except as permitted only in an approved, enclosed residential garage for the sole purpose of restoration.
- c) Provisions of Section 15 (b) shall apply to the premises of Commercial Properties located in proximity to Residential Property and the Owner or Occupant of the same shall maintain the same in accordance with Section 15(b).

16. Order for Disposal of Litter

The Chief Administrator Officer (CAO)/Town Manager is empowered and authorized to order the owner or occupier of any private property within the Town to properly dispose of any or all litter located on such property. Such order shall be by means of a notice signed by the CAO/Town Manager or Municipal Enforcement Officer and served upon the owner or occupier.

17. Vehicle Impounding

Failure of the owner to remove a vehicle from a residential or commercial area within the Town where Town officials have deemed it a "nuisance" will result in that vehicle being impounded and all costs relating to such removal will be the responsibility of the owner. The Town is not obligated to contact the owner prior to removal.

18. Council May Carry Out Directions

If any notice issued and served under Section 15 is not complied with or is not so far complied with as the Council regards as reasonable within the time names in the notice, the 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.

19. Enforcement

- a) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other Person so authorized by the Enforcement Authority.
- b) It shall be the duty of the Municipal Enforcement Officer, or any person assigned by the Council to enforce these Regulations.
- c) To report the name and address of any person observed or reliably reported to have violated any of the provisions of these Regulations.
- d) To report the time and nature of the violation of the Regulations and any circumstances being relevant to the violation.
- e) Every person requested by Council or its duly authorized agents to enforce these Regulations shall upon request, forthwith give his/her proper name and address.
- f) Pursuant to Section 404 (1) of the Act, the Enforcement Authority may serve upon the Owner, Occupant, or any other Person in violation of a provision of these Regulations To serve upon the person violating any provisions of these Regulations a serially numbered notice advertising the nature of the violation and required action to conform to the standards as set out in these Regulations:

The Owner, Occupant or any Person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 19(f) at the cost of the Owner, Occupant or Person within the time specified.

- g) To provide the CAO/Town Manager a duplicate of each serially numbered notice of violation.

20. Right of Entry

Pursuant to Section 51 of the Urban and Rural Planning Act, 2000, Council or its duly authorized agent have the authority to enter a property for the purposes of inspection or to carry out work as required under these Regulation.

21 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 19 (f) of these Regulations, Council may take the action it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the term of the order are recoverable from the Person against whom the order was made as a civil debt owed to Council and are subject to enforcement mechanisms under Section 421.2 of the Act.
- b) Council may delegate to an official or employee of Council 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 action 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.

22. Penalties

- 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 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:
 - i) Shall be liable to penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999, or
 - ii) Shall be subject to an order under Section 404 (1) (l) of the Municipalities Act, 1999, or
 - iii) Shall be subject to a violation notice issued under Section 421.1 (1) of the Municipalities Act, 1999 or
 - iv) Shall be issued a ticket under the Provincial Offences Act in accordance with Section 421.2 of the Municipalities Act, 1999

23. These Regulations will be enforced by the Municipal Enforcement Officer, or any person appointed by Council.

24. Coming into Effect

These Regulations shall come into effect 23rd day of June 2022.

25. Publication

A notice of these Regulations was published in _____ on the _____ of _____ 2022.

26 Copy to Minister

A Copy of these Regulations was sent to the Minister of Municipal Affairs on the _____ day of _____ 2022.

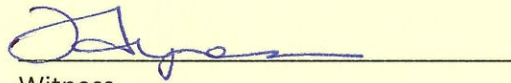
27. Repeal of Previous Regulations and Amendments

All previous Anti-Litter Regulations are hereby repealed.


In witness whereof the seal of the Town of Wabush has been affixed herewith and the Mayor and the Town Manager have signed these Regulations on behalf of the Wabush Town Council, this 23rd day of June 2022.



Ron Barron, Mayor



Witness



Charlie Perry, CAO/Town Manager