



WABUSH

ANTI-LITTER REGULATIONS

PUBLISHED BY AUTHORITY

TITLE

1. These Regulations may be cited as the Town of Wabush *Anti-Litter Regulations* 2023.

INTERPRETATION

2. In these Regulations, unless the context otherwise requires:
 - a. "Act" means the Municipality Act, 1999, SNL 1999 Chapter M-24 as amended.
 - b. "Authorized Receptacle" means a Litter storage or collection receptacle that may be approved by Council.
 - c. "Commercial Property" means 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.
 - d. "Council" means the Town Council of the Town of Wabush, constituted under the provisions of the *Municipalities Act, 1999*.
 - e. "Enforcement Authority" means Council or its authorized administrator.
 - f. "Hand Bill" means printed or written matter, circular sample, advertisement, leaflet or paper of other than a newspaper or Her Majesty's Mail.
 - g. "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.

- h. "Nuisance" means anything, in the opinion of Council or any Person authorized by Council, that endangers life or health, gives offence to the senses, breaches 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.
- i. "Occupant" means any Person who is an agent, tenant or occupier of a property.
- j. "Owner" means the legal entity having title to a property.
- k. "Person" means any person, firm, partnership, association, corporation, company, cooperator, club, society or any other corporate body or organization of any kind.
- l. "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.
- m. "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.
- n. "Town" means the Town of Wabush.

APPLICATION

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

LITTER

4. 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.

PLACEMENT OF LITTER IN RECEPTACLES

5. 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.

COMMERCIAL PROPERTY RESPONSIBILITY

6. Commercial Property responsibilities include, but are not limited to:
 - 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 their Commercial 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.

SWEEPING LITTER INTO GUTTERS PROHIBITED

7. No Person 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 and occupying property shall keep the sidewalk in front of their premises Litter free.

LITTER THROWN BY PERSONS IN VEHICLES

8. No Person 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.

TRUCK LOADS CAUSING LITTER

9. 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.

DISPOSAL OF WASTE MATERIALS

10. All Litter including, but not limited to, construction, demolition, excavation, and landscaping material shall be disposed of at the Labrador West Landfill Site.

LITTER IN PARKS

11. 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, 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 dispose of the Litter elsewhere as provided herein.

LITTER IN WALKWAYS

12. 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.

POSTING NOTICES PROHIBITED

13. 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.

LITTER ON PRIVATE PROPERTY

14. 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 Occupant of the 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 private property. This will include Hand Bill material delivered to Residential and Commercial Properties. 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.
15. 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.
16. Provisions of Section 15 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.

ORDER FOR DISPOSAL OF LITTER

17. 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 Occupant.

VEHICLE IMPOUNDING

18. 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.

COUNCIL MAY CARRY OUT DIRECTIONS

19. If any notice issued and served under Sections 14-16 is not complied with or is not so far complied with as the Council regards as reasonable within the time named 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 doing so as a civil debt from the Person on whom the notice was served.

ENFORCEMENT

20. Enforcement of these Regulations is as follows:

- a. enforcement and prosecution under these Regulations may be undertaken by any anyone at law authorized to do so 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. any Person must report the name and address of any Person observed or reliably reported to have breached any of the provisions of these Regulations, and include the time and nature of the breach and any circumstances of the breach;
- d. every Person requested by Council or its duly authorized agents to enforce these Regulations shall, upon request, forthwith give their proper name and address;
- e. pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the Owner, Occupant, or any other Person in breach of a provision of these Regulations to serve upon the Person breaching any provision of these Regulations a serially numbered notice advertising the nature of the breach and the required action to conform to the standards as set out in these Regulations;
- f. the Owner, Occupant or any Person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 20(e) 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 breach.

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

RIGHT OF ENTRY

22. 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 Regulations.

FAILURE TO COMPLY

23. 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 20(e) 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.
24. Council may delegate to an official or employee of Council power to issue orders under this Section.
25. 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 all the process of inspecting and/or carrying out work under these Regulations except in the case of gross negligence.

PENALTIES

26. The Town may enforce these Regulations by any method afforded by law.
27. Pursuant to Section 419(2) of the Act, each day upon which the same offence is committed or continued is a separate offence.
28. 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 shall:
- a. be liable to penalties as stipulated in accordance with Section 420 of the *Municipalities Act, 1999*;
 - b. be subject to an order under Section 404(1)(l) of the *Municipalities Act, 1999*;

- c. be subject to a violation notice under Section 421.1(1) of the *Municipalities Act, 1999*; or
- d. be issued a ticket under the *Provincial Offences Act* in accordance with Section 421.2 of the *Municipalities Act, 1999*.

COMING INTO EFFECT

29. These Regulations shall come into effect on the 20 day of July, 2023.

PUBLICATION

30. A copy of these Regulations was published at Town of Wabush on the 20 day of July, 2023.

COMPLIANCE WITH OTHER ACTS

31. No provision in these Regulations shall exempt any person from obtaining any license, permission, permit, authority, or approval required by any other regulation of the Town or regulation of the Province of Newfoundland and Labrador or law of Canada.

32. Where conflict exists between these Regulations and any provincial law or regulation, the provincial law or regulation shall apply.

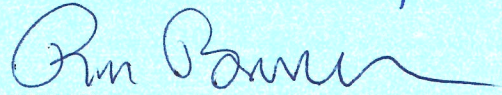
REPEAL PREVIOUS REGULATIONS AND AMENDMENTS

33. All previous Anti-Litter Regulations are hereby repealed.

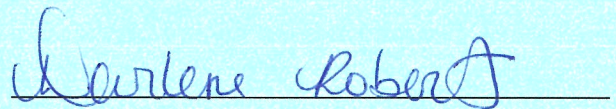
Pursuant to the powers vested in it under and by virtue of Section 414(1)(9) of the *Municipalities Act, 1999*, and all other powers it enables the Town Council of the Town of Wabush in the regular session convened on the 20 day of July, 2023, hereby passes and enacts the following Anti-Litter Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 20 day of July, 2023.

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 26 day of July, 2023.



Ron Barron, Mayor



Witness



Charlie Perry, CAO/Town Manager