

CORPORATION OF THE TOWN OF PETAWAWA

BY-LAW 279/04

A BY-LAW TO PROHIBIT THE THROWING, PLACING, OR DEPOSITING OF REFUSE OR DEBRIS ON OR WITHIN THE MUNICIPALITY

WHEREAS Section 127(c) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may pass by-laws for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS it is deemed desirable and expedient to prohibit the throwing, placing or depositing of refuse or debris on property within the Municipality;

NOW THEREFORE the Council of the Corporation of the Town of Petawawa hereby enacts as follows:

This by-law may be cited as the “Littering By-law” for the Corporation of the Town of Petawawa.

1. Definition – Refuse

Refuse shall be defined as all matter thrown away as worthless or unwanted and shall include but not be limited to the common definitions of litter, rubbish, trash, garbage and waste.

2. Offence – Littering

No person shall throw, place or deposit refuse or debris on any property within the Municipality, other than those areas designated by the Municipality.

3. Fine – for contravention

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to any penalty as provided for in the Provincial Offences Act.

4. Clean Up – responsibility

Every person who is convicted of an offence under this by-law shall be responsible for any and all charges, fees or costs associated with the clean up of any refuse which resulted from the original offence. The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this by-law.

5. Costs – recovery

The Municipality may recover the costs incurred during the cleanup resulting from any act of throwing, placing or depositing refuse or debris on Municipal property, from the person responsible for the act, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

6. Effective date

This By-law shall come into force on and take effect upon the date of the final passing thereof.

Read a first and second time this 16 day of February 2004.

Read a third time and passed this 16 day of February, 2004.



MAYOR



CLERK

THE HONOURABLE BRUCE E. MACPHEE
REGIONAL SENIOR JUSTICE
EAST REGION
ONTARIO COURT OF JUSTICE

COURT HOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE BRUCE E. MACPHEE
JUGE PRINCIPAL RÉGIONAL
RÉGION DE L'EST
COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
161, RUE ELGIN, 6^E ÉTAGE
OTTAWA (ONTARIO)
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July 23, 2004

Mr. David Newton
Municipal Law Enforcement Officer
Town of Petawawa
1111 Victoria Street
Petawawa, Ontario
K8H 2E6

Dear Mr. Newton,

**Re: *Set Fines - Provincial Offences Act – Part I
Town of Petawawa***

Enclosed herewith is a copy of an Order and a copy of the schedules of set fines for By-law Nos. 279/2004 and 293/2004, the By-laws indicated in the schedules.

The setting of the fines does not constitute my approval of the validity of the By-laws or of the short form of wording used to describe the offences.

I have forwarded the original Order and the schedules of the set fines to the Honourable Mr. Justice S.G. Radley-Walters in Pembroke, together with a certified copy of the By-laws.

Yours truly,

A handwritten signature in blue ink, appearing to read 'B. MacPhee', written over a faint circular stamp.

Bruce E. MacPhee
Regional Senior Justice

Enclosures

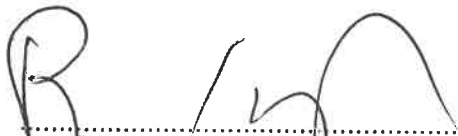


PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law Nos. 279-2004 and 293-2004 of the **Town of Petawawa** attached hereto are the set fines, including costs, for those offences. This Order is to take effect July 23, 2004.

Dated at Ottawa this 23rd day of July 2004.


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Bruce E. MacPhee, Regional Senior Justice
Ontario Court of Justice
East Region

SET FINE SCHEDULE
TOWN OF PETAWAWA - BY-LAW 279/04

PART 1 PROVINCIAL OFFENCES ACT
TITLE: LITTERING BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE (INCLUDING COSTS)
1	Littering	Section 2	\$250.00

Note: The penalty provision for the offence indicated above is section 3 of by-law no. 279/04, a certified true copy of which has been filed.