

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2006-28

**BEING A BY-LAW TO PROHIBIT THE THROWING,
PLACING OR DEPOSITING OF REFUSE OR DEBRIS ON
ANY LAND WITHIN THE CITY WITHOUT OWNER
CONSENT**

WHEREAS pursuant to section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, by-laws may be passed by the Council requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, and, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS Council passed Engineering & Works Committee Report No. 2006-01 on the 30th day of January, 2006 to authorize a by-law prohibiting the throwing, placing or depositing of refuse or debris on any land within the City without owner consent;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

Definitions:

1. In this by-law:

- a) "City" means the City of North Bay;
- b) "Land" includes any watercourse;
- c) "Owner" includes the registered owner, occupant, tenant, person for the time being managing or receiving the rent of the property whether on his own account or on account of an agent or trustee of any other person, or any one of the aforesaid;
- d) "Refuse or debris" includes but is not limited to, litter, garbage, grass clippings, yard waste, leaves, ashes, rubbish, builder's and building contractors' refuse, industrial waste, handbills, coffee cups, candy wrappers, cigarette butts and cigarette packaging.
- e) "Watercourse" means an open channel, ditch or depression either natural or artificial, in which the flow of water occurs either continuously or intermittently.

Prohibition

2. No person shall throw, place or deposit, or cause or permit to be thrown, placed or deposited refuse or debris on any land within the City without the written consent of the owner of such land.
3. The owner of land used contrary to, or on which there is a contravention of Section 2 above, shall at the owner's own expense, clean and clear the land of refuse and debris.

Enforcement

4. Any police officer, provincial offences officer or employee of the City whose duties include the enforcement of this by-law, is authorized to enforce this by-law pursuant to the provisions hereof, the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof, and the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof.

Offences

5. Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.

READ A FIRST TIME IN OPEN COUNCIL THIS 30TH DAY OF JANUARY, 2006.

READ A SECOND TIME IN OPEN COUNCIL THIS 30TH DAY OF JANUARY, 2006.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 13TH DAY OF FEBRUARY, 2006.



MAYOR VIC FEDELI



CITY CLERK CATHERINE CONRAD