

**THE RURAL MUNICIPALITY OF WEST ST. PAUL**

**"THE LITTER BY-LAW"**

**BY-LAW NO. 6/2007**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WEST ST. PAUL TO REGULATE AND ESTABLISH CONTROLS OVER THE PLACING OR DEPOSITING OF LITTER AND TO REPEAL BY-LAW 15/91.**

**WHEREAS** Section 232 (1), (a), (b), (c) and 232 (2) (d) of The Municipal Act, S.M. 1986, c.58, provides as follows:

"232 (1), A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public places or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) Subject to section 233, activities or things in or on private property."

"232(2), Without limiting the generality of subsection (1), a council may in a by-law passed under this Division;

- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality."

**AND WHEREAS** Section 233 (d) of The Municipal Act, S.M. 1986, c.58, provides as follows:

"233 A by-law under clause 232 (1) (c) (activities or things in or on private property) may contain provisions only in respect of

- (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations."

**AND WHEREAS** The Council of The Rural Municipality of West St. Paul deems it expedient and in the public interest to pass a By-law to prohibit littering on private or public property, including a highway;

**NOW THEREFORE** the Council of The Rural Municipality of West St. Paul, in open Council assembled hereby enact as follows:

**1.00 SHORT TITLE:**

1.01 THAT this By-law be referred to as "THE LITTER BY-LAW".

**2.00 DEFINITIONS:**

2.01 THAT unless the context otherwise requires, where used in this By-law:

2.03 "Animal: means any creature not human;

2.04 "Animal and agricultural wastes" means manure, crop residues and like materials from agricultural pursuits, stables, kennels, veterinary establishments and other such premises;

2.05 "Ashes" means residue from the burning of wood, coal, coke and other like material for the purposes of cooking, heating buildings, and disposing of waste combustible materials;

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- 2.06 "Bulky wastes" means large items of refuse including appliances, furniture, large auto parts and large crates;
- 2.07 "Construction and demolition wastes" means waste building materials and rubble resulting from construction, remodeling, repair, demolition, or fire in houses, commercial building, pavements and other structures;
- 2.08 "Domestic animal wastes" means wastes from household pets including, but not limited to excrement, used bedding, and the contents of litter boxes;
- 2.09 "Garbage" means animal and vegetable wastes, including food packaging material with residual food materials, resulting from the handling, preparation, cooking and serving of foods in households, institutions and commercial concerns and market wastes resulting from the handling, storage and selling of foods in wholesale and retail stores and markets;
- 2.10 "Industrial refuse" means wastes arising from or incidental to manufacture, processing or like operations in factories, processing plants, industrial processes and manufacturing operations, and includes wastes such as putrescible garbage from food processing plants and slaughterhouses, condemned foods and products, cinders and ashes from power plants and large factories, and miscellaneous manufacturing wastes;
- 2.11 "Litter" means animal and agricultural wastes, domestic animal wastes, liquid and semi-liquid wastes, dead animals, ashes, garbage, construction and demolition wastes, industrial refuse, rubbish, solid wastes or refuse, motor vehicle parts, scrap metal, abandoned or unattended shopping carts and special wastes, including, but not limited to, street cleanings, containers, packages, bottles, cans or parts thereof, and any deserted or discarded articles, products or goods of manufacture;
- 2.12 "Municipality" means the Rural Municipality of West St. Paul.
- 2.13 "Rubbish" means combustibles, consisting of miscellaneous burnable materials such as paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather and plastics, non-combustibles consisting of miscellaneous materials that are not burnable, such as tin cans, metals, ceramics, metal foils and glass, and yard rubbish, consisting of pruning, grass clippings, weeds, leaves, general garden wastes and tree cuttings, exclusive of solid wastes otherwise classified herein;
- 2.14 "Solid wastes or refuse" means the useless, unwanted or discarded solid materials resulting from normal community activities, including semi-liquid or wet wastes with insufficient moisture and other liquid content to be free flowing.
- 3.00 PROHIBITED ACTS:**
- 3.01 **THAT** no person shall deposit or leave or cause or permit the depositing of leaving of litter upon any land, water or ice, highway within the Municipality unless
- a) the litter is placed into a litter receptacle;
  - b) the litter is deposited in a location designated for this purpose, by the local authority having jurisdiction, during special clean up days;
  - c) the depositing or leaving is the result of an emergency; or
  - d) the litter is placed for normal pick-up service by the local authority having jurisdiction for removal to a waster disposal ground.
- 3.02 **THAT** this by-law applies to all property and to all owners and occupiers of property within the Municipality and any person passing through the Municipality.
- 3.03 **THAT** every person shall ensure that no litter blows, or is otherwise carried, from property onto a public place or other property.


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- 3.04 **THAT** every person operating a motor vehicle shall ensure that no load or part of a load on that vehicle blows or falls upon any road or adjacent property.
- 3.05 **THAT** where the Municipality removes any substance that is mentioned from private or public property, the costs incurred will be charged to the owner of the private property on which the aforementioned substance was deposited, or to the person who placed or deposited the substance mentioned and providing the recovery thereof by action in a court of competent jurisdiction, or by adding it to, and recovering it as, taxes against any land in the Municipality owned by that person.
- 4.00 **PENALTY:**
- 4.01 **THAT** every person who contravenes, or refused, neglects or omits, or fails to obey or observe, any provision of this by-law is guilty of an offense and is liable, on summary conviction to a fine of a minimum of \$100.00 and not exceeding \$1,000.00 or to imprisonment for a term not exceeding one month, or to both such a fine and such an imprisonment.
- 4.02 **THAT** where the contravention, refusal, neglect, omission or failure, continues for more than one day, the person on summary conviction may be found guilty of a separate offense for each day that it continues.
- 5.00 **REPEAL:**
- 5.01 **THAT** By-law No. 15/91 of The Rural Municipality of West St. Paul is hereby repealed.
- 5.02 The repeal of the by-law in the preceding subsection mentioned shall not revive any by-law or any provision of any by-law released by it.
- 5.03 Nothing done under the by-laws hereby repealed, shall be affected hereby, and the enactment hereof shall not adversely affect any penalty, forfeiture, order, act, liability or right incurred before the time of such repeal or any right to take action or proceedings, the right to do so having arisen under any by-law repealed hereby.
- 6.00 **ENACTMENT:**
- 6.01 This by-law shall come into full force and take effect upon the passage thereof.
- 7.00 **VALIDITY OF BY-LAW:**
- 7.01 Should any provision of this by-law be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of this by-law independent of the elimination of any such portion as may be declared invalid.

**DONE AND PASSED** by the Council of The Rural Municipality of West St. Paul duly assembled in the council chambers, 3550 Main Street at Middlechurch, Manitoba, this 10<sup>th</sup> day of May A.D. 2007.

THE RURAL MUNICIPALITY OF WEST ST. PAUL

  
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Reeve

  
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Chief Administrative Officer

Read a first time, this 12<sup>th</sup> day of April, A.D. 2007.  
Read a second time this 10<sup>th</sup> day of May, A.D. 2007.  
Read a third time this 10<sup>th</sup> day of May, A.D. 2007.