

PROPERTY MAINTENANCE

Chapter 839 LITTERING - PROHIBITION

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Article 1 SHORT TITLE

839.1.1 Short Title

This Chapter may be cited as the “Anti-littering Chapter.” In the text of the Chapter, it is referred to as “this Chapter.”

Article 2 DEFINITIONS

839.2.1 Body of water - defined

“body of water” includes a fountain, lake, stream, pond, well, spring, or reservoir under the jurisdiction of the City.

839.2.2 City - defined

“City” means the Corporation of the City of Orillia or the land within the geographic limits of the Corporation of the City of Orillia as the context requires.

839.2.3 Deposit - defined

“deposit” includes drop, throw, dump, place, sweep, or otherwise dispose of, and the term “deposited” shall have a corresponding meaning.

839.2.4 Food organics - defined

“food organics” includes vegetables, fruit, coffee grounds, tea bags, eggshells, bread, pasta, rice, meat, bone, dairy products, soiled compostable food packaging materials, and soiled paper towels and tissues.

839.2.5 Highway - defined

“highway” includes a common and public highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

839.2.6 Officer - defined

“Officer” means a Municipal Law Enforcement Officer, a Police Officer or any other person appointed by by-law to enforce this Chapter.

839.2.7 Owner - defined

“owner” includes:

- (a) the registered owner of the property; and
- (b) the person for the time being managing or receiving the rent of the property in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the property were let; and
- (c) a lessee or occupant of the property.

839.2.8 Person - defined

“person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

839.2.9 Property - defined

“property” means any land, highway, or park within the City, whether privately or publicly owned.

839.2.10 Receptacle - defined

“receptacle” means any bin, dumpster, barrel, or other device placed on property for the disposal of refuse.

839.2.11 Refuse - defined

“refuse” means garbage, rubbish, debris, material, and waste matter of any kind whatsoever and without limiting the generality of the foregoing shall include

cigarette butts, chewing gum, bottles, cans, cartons, boxes, paper, packing materials, appliances, clothing, furniture, mechanical equipment, automobile parts, lumber, soil, soot, stumps, branches, grass clippings, food organics, animal carcasses, ashes, paint, and oil. For greater certainty, refuse as defined in this Chapter does not cease to become refuse by reason only that it may be commercially saleable, recyclable or compostable.

Article 3 LITTERING - PROHIBITED

839.3.1 Littering - prohibited - private - public - property

No person shall deposit, or cause to be deposited, or permit to be deposited any refuse on any property.

839.3.2 Littering - prohibited - body of water

No person shall deposit, or cause to be deposited, or permit to be deposited any refuse in any body of water.

839.3.3 Littering - prohibited - receptacle

No person shall deposit, or cause to be deposited, or permit to be deposited any refuse in a receptacle where the refuse was generated off of the property where the receptacle is located.

Article 4 EXEMPTIONS

839.4.1 Littering exemption - consent - owner of property

Nothing in this Chapter applies to prevent the deposit of refuse where permission has been granted by the owner.

839.4.2 Littering exemption - refuse deposited for pick

Nothing in this Chapter applies to prevent the deposit of refuse for pick-up as required or permitted under Chapter 877 of the City's Municipal Code - Solid Waste Management.

Article 5 ENFORCEMENT

839.5.1 Authority - Enforcement

The provisions of this Chapter may be enforced by an Officer.

839.5.2 Entry and Inspection

An Officer may, at any reasonable time without a warrant, enter on any land for the purpose of carrying out an inspection to determine whether or not this Chapter, or a Court Order made under the *Municipal Act* is being complied with. An Officer may, in carrying out an inspection, be accompanied by an assisting person or persons.

839.5.3 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of “hinder” or “obstruct”, a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

839.5.4 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

839.5.5 Penalties

- (a) Every person who contravenes any of the provisions of this Chapter, upon conviction, is guilty of an offence and is liable to a fine or penalty as provided for in the *Provincial Offences Act*. Each day that such offence is committed, or permitted to continue shall constitute a separate offence and may be punishable as such.
- (b) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Article 6**INTERPRETATION AND VALIDITY****839.6.1 Words - plural - singular**

In this Chapter, references to items in the plural include the singular, as applicable, unless used with a number modifying them.

839.6.2 Headings - convenience only

Headings are inserted for convenience of reference purposes only, form no part of this Chapter and shall not affect in any way the meaning or interpretation of the provisions of this Chapter.

839.6.3 Amended references

Any references to a statute, regulation, by-law or other legislation or statutory instrument in this Chapter shall include such statute, regulation, by-law or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

839.6.4 Conflict - most restrictive prevails

If a provision of this Chapter conflicts with an Act, or regulation, or another Chapter of the City, the provision that is the most restrictive shall prevail.

839.6.5 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

**Article 7
EFFECTIVE DATE****839.7.1 Effective date**

This Chapter shall come into force and take effect as of the date of the final passing of the enabling by-law.

Adopting By-law: By-law 1990-163, 27 August 1990.

By-law Amendments: By-law 1994-24, 10 January 1994; By-law 1995-2, 9 January 1995; By-law 2017-14; 13 February 2017.

Repeal and Replace: By-law 2020-109, 10 December 2020.