

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the City of Mount Pearl Act, 1990 – Sections 207, 208, 209, and 210, the following Regulations have been made by the City Council of the City of Mount Pearl and were approved on the 23rd day of July, 2002.

Notice of Motion to adopt amendments to the Regulations was given at the City's regular Public Council meeting held on the 9th day of July 2002.

Dave Denine, Mayor

Gerard Lewis, CAO

ANTI-LITTER REGULATIONS

1. Title

These Regulations shall be known and cited as the *City of Mount Pearl Anti-Litter Regulations*.

2. Interpretation

In these Regulations, unless the context otherwise requires:

- a) “*Act*” means the City of Mount Pearl Act, Chapter C-16, R.S.N., 1990.
- b) “*Council*” means the City Council of Mount Pearl.
- c) “*City*” shall mean the City of Mount Pearl as defined by the City of Mount Pearl Act, Chapter C-16, RSN 1990 and amendments thereto.
- d) “*Authorized Receptacle*” means a litter storage or collection receptacle as required by the City Council of Mount Pearl (Garbage) Regulations, 1955, or as may be approved by the Council.
- e) “*Hand Bill*” means any printed matter or written matter, circular sample, advertisement, leaflet or paper other than a newspaper.
- f) “*Litter*” means any obnoxious substance, waste or unsanitary matter, refuse, garbage, rubbish, ashes, street cleanings, dead animals, paper

wrappings, cardboard boxes, tin cans, leaves, wood bedding, crockery, glass bottles and glass in all forms, cement bags, and bags of all description and other matter or thing which if thrown or deposited as herein prohibited tends, or is likely to cause or causes unsightliness within the City or creates a danger to health, welfare, or public safety and includes abandoned vehicles and appliances.

- g) “*Person*” means any person, firm, partnership, association, corporation, company or organization of any kind.
- h) “*Chief Administrative Officer*” means the Chief Administrative Officer of the City of Mount Pearl.
- i) “*Nuisance*” means any obnoxious substances, animal waste or unsanitary matter or noise; that has an unpleasant effect on the senses.

3. Litter in Public Places

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in authorized receptacles for collection.

4. Placement of Litter in Receptacles so as to Prevent Scatterings

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, sidewalk or other public place, or upon private property, or pond, river or stream.

5. Sidewalks in Front of Properties

Persons owning or occupying properties within the City shall keep the sidewalk in front of their property free of litter.

6. Business Parking Areas

In addition to sidewalk responsibility, persons owning or occupying places of business within the City shall keep their parking areas free of litter.

7. Sweeping Litter into Gutters Prohibited

No person shall sweep into or deposit into any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

8. Litter Thrown by Persons in Vehicles

No person while a driver or passenger in a vehicle shall throw or deposit litter or any description upon any street or other place or upon private property within the City.

9. Truck Loads Causing Litter

No person shall drive, move or park any truck or other vehicle within the City 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, lane or public place or private property or becoming a nuisance within the City.

10. Litter in Parks

No person shall throw or deposit litter in any park within the City 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 or any 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 persons responsible for its presence and properly disposed of elsewhere as provided herein.

11. Litter in Walkways

No person shall throw or deposit litter in any ditch, pond or stream or other body of water in any park or elsewhere within the City.

12. Posting Notices Prohibited

No person shall post or affix any notice, 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.

13. Litter on Private Property

No person shall throw or deposit litter on any private property within the City, whether the property is owned by such person or not, except that the owner or person in control of 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 any private property.

14. Order for Disposal of Litter

The City Clerk is empowered and authorized to order the owner or occupier of any private property within the City to properly dispose of any or all litter located on such property. Such order shall be by means of a notice signed by the City Clerk or Municipal Enforcement Officer and served upon the owner or occupier.

15. Council May Carry Out Directions

If any notice issued and served under Section 13 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 so doing as a civil debt from the person on whom the notice was served.

16. Enforcement

It shall be the duty of the Municipal Enforcement Officer or any person assigned by the Council to enforce these Regulations:

- a) To report the name and address of any person observed or reliably reported to have violated any of the provisions.
- b) To report the time and nature of the violation of the Regulations and any circumstances being relevant to the violation.
- c) To serve upon the person violating any provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations and instructing such person to carry out any order in regard to such violation within a stated period of time.
- d) To furnish the City Clerk a duplicate of each serially numbered notice of violation.

17. Penalty

- 1) Every person served with a notice of violation shall carry out the instruction contained in such notice. Failure to comply with instructions within the time stated in such notice will make the person on summary conviction, liable to a fine not exceeding \$500.00 and in default of payment of such penalty to imprisonment for a period not exceeding ninety days. Notwithstanding anything in the foregoing, any person guilty of throwing bottles or glass from a vehicle or breaking or throwing bottles or glass on public streets or in the parks or in public property within the City shall be liable on summary conviction to a fine not

exceeding \$500.00 and in default of payment of such penalty to imprisonment for a period not exceeding ninety days.

- 2) Every person who is guilty of an offence under these Regulations and a conviction is registered; the court may make an order for the removal of such said litter.
 - 3) Failure of the owner to remove a vehicle from a residential or commercial area within the City where City officials have deemed it a “*nuisance*” will result in that vehicle being impounded and all costs related to such removal will be the responsibility of the owner. The City is not obligated to contact the owner prior to the removal.
18. These regulations may be enforced by the RNC, RCMP, Municipal Enforcement Officer, Peace Officer or any person appointed by council.

19. Coming Into Effect

These Regulations shall come into effect on the day of A.D. .

20. Publication

These regulations were published in The Telegram on the day of A.D. 2003 and were gazetted on the day of A.D. 2003.

21. Copy to Minister

A copy of these regulations was sent to the Minister and Provincial Affairs on the day of A.D. 2003.

22. Repeal of Previous Regulations and Amendments

All previous City of Mount Pearl Anti-Litter Regulations and amendments are repealed.

Schedule of Fines and Penalties
Anti-Litter Regulations

Section	Offence	Penalty			
		A fine of not more than the dollar amounts specified		In default of payment of fine for no longer or shorter than time specified	
3	Public Littering	Max \$500	Min	Max 90 Days	Min
5	Failure to keep sidewalk in front of property free from litter.	Max \$500	Min	Max 90 Days	Min
7	Sweeping litter into gutters	Max \$500	Min	Max 90 Days	Min
8	Throwing Litter from Vehicles	Max \$500	Min	Max 90 Days	Min
9	Truck loads excessive causing litter to be deposited onto streets	Max \$500	Min	Max 90 Days	Min

Section	Offence	Penalty			
		A fine of not more than the dollar amounts specified		In default of payment of fine for no longer or shorter than time specified	
		Max	Min	Max	Min
10	Littering in parks	\$500		90 Days	
11	Littering in walkways	\$500		90 Days	
12	Failure to post notices	\$500		90 Days	
13	Litter on private properties	\$500		90 Days	