

**BY-LAW NO. S-5**

**A BY-LAW RESPECTING THE CONTROL OF LITTER  
IN THE TOWN OF NACKAWIC**

BE IT ENACTED by the Council of the Town of Nackawic as follows:

**1. Title**

This by-law may be cited and referred to as the "Littering By-law".

**2. Definitions**

"By-law enforcement officer" means a By-law Enforcement officer appointed by the Council of the Town of Nackawic.

"Litter" means to throw, drop, deposit, or distribute or cause or allow to be distributed any bottle, can, wrapper, bag, box or other container, any product of metal, wood or glass or any part thereof, any soil, stone, rock, gravel, rubbish, refuse, garbage, or waste of any material or substance whatsoever.

"Public place" means any place whether a building or in the open to which the public can and do have access, and whether or not the place is devoted exclusively to the uses of the public and whether or not such access is within or without invitation or permission including permission obtained by payment of an admission charge, and without limiting the generality of the of the foregoing, includes:

- (a) any street, square, common, park, beach, parking lot, picnic site, playground, playing field, campground, church ground or yard, school ground or yard, swimming place, the grounds of any public building, or other open space,
- (b) the approaches to any yard or grounds, including parking lot of a place ordinarily used as a place of business, or
- (c) any place to which the public habitually has resort.

"Sidewalk" means that portion of a highway or street between the curb lines or the lateral lines of a roadway and the adjacent property lines set apart for the use of pedestrians, and includes any part of a highway or street set apart or marked as being for the exclusive use of pedestrians.

"Street: means the entire width between the boundary lines of every street, highway, road, lane, boulevard, alley, drive, avenue, park, public square, common, or any other place in the municipality when any part thereof is used by the public for the passage of vehicles, and includes any sidewalk, bridge, divider, median, safety island, ditch drain, or culvert therein, and without limiting the generality of the foregoing, the term "street" is not limited to the travelled portion thereof but includes the shoulders thereof and the entire right-of-way of the street.

"Municipality" means the Corporation of the Town of Nackawic.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street, and includes a bicycle, motorcycle, motor driven cycle, motor vehicle, motorized snow vehicle, snowmobile, trailer, and animal-drawn vehicle.

### **3. General**

3.01 No person shall litter on any street, sidewalk or other public place.

3.02 A person who litters on any street, sidewalk or other public place shall immediately remove the material so deposited.

3.03 A person who removes a wrecked or damaged vehicle from any street, sidewalk or other public place shall remove glass or other injurious substances or things deposited upon the street, sidewalk, and public place from the vehicle.

3.04 No person shall distribute or scatter handbills or other advertising material on any street, sidewalk, or other public place.

3.05 No person shall place any waste material or paper where it may be carried by the wind into or along any street, sidewalk, or onto a public place.

3.06 No person,

(a) whether on foot or in or on a vehicle of any kind or description,

(b) while travelling on or over any street, sidewalk or public place, or

(c) while stopped, standing or parked or otherwise on or about any street, sidewalk or public place, shall throw, drop, deposit or distribute or cause to be distributed any glass bottles, glass, nails, tacks, cans, or scraps of metal, or any rubbish, refuse or waste, whether paper or otherwise, on, into, upon or at the lands and premises adjacent to such street, sidewalk or public place.

3.07 Every driver of a vehicle conveying a load of wood, metal, salvage, waste, refuse, garbage, paper or other material along any street shall securely fasten and protect the load to prevent any part thereof from falling upon the street while in transit and where waste, refuse, or garbage is being conveyed on the street, the driver shall cover it with a canvas or other suitable covering to prevent it from falling upon the street.

3.08 No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.

#### **4. Enforcement**

Pursuant to section 14 of the *Police Act* the By-law Enforcement Officer is duly appointed by resolution of Town Council to enforce the provisions of this by-law, and amendments thereto.

#### **5. Penalty Provision**

Every person who violates any provision of this by-law is guilty of an offence and is liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

#### **6. Repeal Provision**

6.01 By-Law No. 37, A By-Law To Prevent Littering, passed by Town Council on June 21, 1976, and amendments thereto, is hereby repealed.

6.02 The repeal of By-Law No. 37, A By-Law To Prevent Littering, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE  
TOWN OF NACKAWIC ON SEPTEMBER 15, 2003.

---

Robert G. Connors, Mayor

---

Nancy Cronkhite, Chief Administrative Officer

First Reading: September 2, 2003  
Second Reading: September 15, 2003  
Third Reading: September 15, 2003