

THE CITY OF PORT ALBERNI

BYLAW NO. 4874

A BYLAW TO PROHIBIT THE DUMPING OR DEPOSITING OF LITTER ON LANDS OR HIGHWAYS

WHEREAS the City of Port Alberni wishes to promote a safe, comfortable and inviting community for all of its citizens, businesses and visitors;

AND WHEREAS pursuant to section 62 of the Community Charter the Council of the City of Port Alberni may, by bylaw, regulate, prohibit, and impose requirements in relation to the protection of public places;

AND WHEREAS pursuant to section 64 of the Community Charter the Council of the City of Port Alberni may, by bylaw, regulate, prohibit, and impose requirements in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS pursuant to section 46 of the Community Charter the Council of the City of Port Alberni may, by bylaw, regulate, prohibit, seize, impose requirements and recover fees in relation to use of highways and public places:

ENACTS AS FOLLOWS:

1. TITLE

This bylaw may be known as the "**Anti-Littering Bylaw No. 4874**".

2. DEFINITIONS

Litter shall mean debris, rubbish, refuse, garbage or waste matter of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture and household effects, inoperative mechanical equipment, kitchen wastes, lumber, packing materials, paper, soil, tree trimmings and prunings, garden waste, stumps, branches, automobile parts.

Highway includes any road, lane, bridge, street, land or similar thoroughfare and includes such parts thereof commonly known as roadways, curbs, ditches, sidewalks, median strips, boulevards, islands and associated sewer, catch basin, water courses and retaining walls.

Deposit includes, bury, scatter, set, place, pitch, abandon, toss, drop, throw, dump, leak, or otherwise dispose of.

Land includes any ground, yard, lot or other real property whether or not occupied by a building or structure.

Municipality shall mean the City of Port Alberni.

Enforcement Officer shall mean a person appointed by Council for the purpose of enforcing the bylaws of the Municipality, RCMP or any officer of the Municipality.

3. REGULATIONS

- a. No person shall deposit or cause to be deposited or permit to be deposited any litter on privately owned land within the municipality.
- b. No person shall deposit or cause to be deposited any litter on any highway within the municipality.
- c. No person shall deposit or cause to be deposited any litter on lands owned by the municipality or any local board thereof except at a waste disposal site operated by or for the Municipality and/or Regional District, or in receptacles approved by the municipality for that purpose.

4. EXEMPTIONS

- a. Where, in the course of using land for activities carried on in the field of agriculture and in areas zoned for that purpose, a person deposits, manure, straw, grass clippings or any other plant debris commonly used as compost material, or;
- b. Where, in the course of engaging in home composting, a person deposits grass, tree trimmings and prunings, garden waste and other vegetable matter in a home composter, shall be exempt from this bylaw.

5. OBSTRUCTION

No person shall block, harass, abuse, threaten or otherwise obstruct an Enforcement Officer, Municipal employee, or contractor employed by the Municipality while carrying out activities authorized by this bylaw.

6. OFFENCES AND PENALTIES

- a. Any person who is in violation of this Bylaw and may be prosecuted under provisions of the *Offence Act* and is subject to a fine not less than \$1000.00 and not more than \$10,000;
- b. This Bylaw is designated, pursuant to section 264 of the *Community Charter*, S.B.C. 2003, c.26, as a Bylaw that may be enforced by means of a ticket in the prescribed form;
- c. The words or expressions listed in Schedule "A" of this Bylaw in the "Designated Expression" column are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this Bylaw appearing opposite in the "Section" column. The amounts appearing in the "Fine" column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the "Section" column;
- d. The municipality shall bill the cost of removing the deposit at the expense of the person deemed responsible for the deposit.

7. SEVERABILITY


If any portion of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS 10TH DAY OF AUGUST, 2015.


READ A SECOND TIME THIS 10TH DAY OF AUGUST, 2015.

READ A THIRD TIME AS THIS 10TH DAY OF AUGUST, 2015.

FINALLY ADOPTED BY COUNCIL THIS 14TH DAY OF SEPTEMBER, 2015.



Mayor



Clerk

SCHEDULE "A"

FINE SCHEDULE

Designated Expression	Section	Fine Amount
Deposit litter on private property	3.a.	\$200
Deposit litter on highway	3.b.	\$200
Deposit litter on public property	3.c.	\$200
Obstruction	5.	\$500