



OAKVILLE

Consolidated Version as of March 28, 2022 – Amended by By-law Nos: 2020-059, 2021-038, 2022-031

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2011-045

A by-law to prohibit littering

WHEREAS the Corporation of the Town of Oakville is desirous of enforcing a prohibition against litter within its municipal boundaries; and

WHEREAS section 127 the Municipal Act, 2001, c. 25, as amended, allows a municipality to regulate and prohibit certain actions with respect to refuse and debris on land;

COUNCIL ENACTS AS FOLLOWS:

1. Definitions

In this by-law:

“**Administrative Penalties for Non-Parking Violations and Orders By-law**” means By-law 2021-038, or successor by-laws; (**By-law 2021-038**)

“**contamination**” for the purposes of this by-law means the placement of litter in a receptacle not designated for same under a waste diversion or waste recycling program authorized by the Town or the Regional Municipality of Halton, and contaminate shall have a similar meaning;

“**Council**” means the Council for the Corporation of the Town of Oakville;

“**facilities**” for the purposes of this by-law includes, but is not limited to, all lands, buildings or structures owned or operated by or on behalf of the Town

Deleted by By-law 2021-038

“**litter**” means waste or refuse that has been discarded including, but not limited to, such items as food or product containers or wrappings, beverage containers, paper, cigars or cigarettes;



“**Officer**” means any person authorized by the Corporation of the Town of Oakville to enforce by-laws and includes Municipal Law Enforcement Officers, provincial offences officers and Halton Regional Police Officers; **(By-law 2021-038)**

“**penalty notice**” means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law; **(By-law 2021-038)**

“**person**” means an individual, firm, corporation, association or partnership;

“**Region**” means the Regional Municipality of Halton
Deleted by By-law 2020-038

“**Town**” means The Corporation of the Town of Oakville in the Regional Municipality of Halton;

1.1 Interpretation: **(By-law 2021-038)**

- (a) This By-law is a Designated By-law under the Administrative Penalties for Non-Parking Violations and Orders By-law.

1.2 Orders: **(By-law 2021-038)**

- (a) Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may issue an order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (b) Any person who contravenes an order under this By-law is guilty of an offence.

2. Prohibitions

No person shall:

- (a) throw, place or deposit litter on private property without the consent of the owner or occupant of the property or on property of the Town except, in either case, in an approved receptacle for that purpose;
- (b) contaminate a receptacle on Town property with litter not designated for that receptacle under a waste diversion or waste recycling program authorized by the Town or the Regional Municipality of Halton; or,
- (c) fail to provide proper waste receptacles, designed for the purpose of diverting recyclable and/or organic materials from entering landfill, when leasing Town facilities where such receptacles are required by the permit



or leasing agreement with the Town under Town of Oakville Procedure EN-GEN-001-004

- 2.1 An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law, including any Schedules, may issue a penalty notice to the person. **(By-law 2021-038)**
- 2.2 Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 2.3 If an Officer has issued a penalty notice under subsection 2.1 of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person. **(By-law 2021-038)**
- 2.4 Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 2.5 If an Officer has issued a penalty notice under subsection 2.3 of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this By-law, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person. **(By-law 2021-038)**
- 2.6 Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 2.6.1 A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law. **(By-law 2022-031)**
- 2.7 Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non-Parking Violations and Orders By-law. **(By-law 2021-038)**

2.8 – 2.23 Deleted by By-law 2021-038

3. Penalties:



- (a) Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not less than \$100 and not more than \$5,000 for a first offence, and to a fine of not more than \$10,000 for a subsequent offence;
- (b) For the purposes of subsection (a) an offence is a subsequent offence if there has been a previous conviction under this by-law.

4. Severability:

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which is declared to be invalid.

5. Short Title:

This by-law may be cited as the Litter By-law.

6. Repeal:

By-law 1971-122, as amended, is hereby repealed.

PASSED this 4th day of July, 2011

Rob Burton MAYOR

Cathie L. Best CLERK