

**REPEALED BY THE NEIGHBOURHOOD LIVEABILITY BY-LAW NO. 1/2008
JANUARY 23, 2008
(effective November 1, 2008)**

THE CITY OF WINNIPEG

**ANTI-LITTER BY-LAW
NO. 1075/75**

**A By-law of THE CITY OF WINNIPEG to
regulate the throwing or depositing of litter in
The City of Winnipeg.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SHORT TITLE

1. This By-law shall be known and may be cited as the "**Anti-Litter By-law**".

DEFINITIONS

In this By-law

- 2.1 "**Animal**" means any creature not human.
- 2.2 "**Animal and Agricultural Wastes**" means manure, crop residues and like materials from agricultural pursuits, stables, kennels, veterinary establishments and other such premises.
- 2.3 "**Ashes**" means residue from the burning of wood, coal, coke and other like material for the purpose of cooking, heating buildings, and disposing of waste combustible materials.
- 2.4 "**Bulky Wastes**" means large items of refuse including appliances, furniture, large auto parts, and large crates.
- 2.5 "**City**" means The City of Winnipeg.
- 2.6 "**Commissioner**" means the Commissioner of Environment or any person duly appointed to act in his stead.
- 2.7 "**Council**" means the Council of The City of Winnipeg.

- 2.8 **"Construction and Demolition Wastes"** means waste building materials and rubble resulting from construction, remodelling, repair, demolition, or fire in houses, commercial buildings, pavements and other structures.
- 2.9 **"Garbage"** means animal and vegetable waste, including food packaging material with residual food materials, resulting from the handling, preparation, cooking and serving of foods in households, institutions and commercial concerns; and market wastes resulting from the handling, storage and selling of foods in wholesale and retail stores and markets.
- 2.10 **"Industrial Refuse"** means wastes arising from, or incidental to the manufacture, processing or like operation in factories, processing plants, industrial processes and manufacturing operations and includes wastes such as putrescible garbage from food processing plants and slaughter-houses, condemned foods and products, cinders and ashes from power plants and large factories, and miscellaneous manufacturing wastes.
- 2.11 **"Litter"** means animal and agricultural wastes, ashes, construction and demolition wastes, dead animals, garbage, industrial refuse, rubbish, solid wastes or refuse, abandoned or unattended shopping carts, and special wastes, including but not limited to street cleanings, containers, packages, bottles, cans or parts thereof, and any deserted or discarded article, product or goods of manufacture.
- 2.12 **"Litter Receptacle"** means a container in which the public may deposit litter.
- 2.13 **"Person"** means any person, firm, partnership, association, corporation, company or organization of any kind.
- 2.14 **"Public Area"** means any area owned or operated by private or public interests, but excluding those areas referred to as a Public Place, that is used or held out for the use by the public, including but not limited to, school grounds; parking lots, and the necessary passage ways thereon; roadways and pedestrian ways on private property.
- 2.15 **"Public Place"** means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings which are owned by or under the control and jurisdiction of the City.

- 2.16 **"Rubbish"** means combustibles, consisting of miscellaneous burnable materials such as paper, rags, cartons, boxes, wood excelsior, bedding, rubber, leather, and plastics; non-combustibles consisting of miscellaneous materials that are not burnable, such as tin cans, metals, ceramics, metal foils, and glass; and yard rubbish, consisting of prunings, grass clippings, weeds, leaves, general garden wastes and tree cuttings, exclusive of solid wastes otherwise classified herein.
- 2.17 **"Shopping Cart"** is any wagon, cart or device designed to be either drawn or propelled by means of human power and intended principally for the conveyance of produce or merchandise in and about retail stores.
- 2.18 **"Solid Wastes or Refuse"** means the useless, unwanted, or discarded solid materials resulting from normal community activities, including semi-liquid or wet wastes with insufficient moisture and other liquid content to be free flowing.
- 2.19 **"Special Wastes"** means hazardous wastes consisting of any waste that may present a hazard to collection or disposal personnel, or others, and includes wastes of a pathological, explosive, highly flammable, radioactive, or toxic nature, negotiable papers and like materials.
- 2.20 **"Street"** means any public highway, lane, park, square, subway, bridge, wharf, thoroughfare or way or any part thereof.
- 2.21 **"Vehicle"** means motor vehicle, watercraft, aircraft or any other means of transportation.

PROHIBITED ACTIVITIES

3.1 Littering

No person shall dump, deposit, drop, throw, discard or leave, or cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public place or public area or upon private property or upon or into any body of water unless:

- (i) said litter is placed into a litter receptacle or a container as required under the Solid Waste By-law except that bulky wastes, construction and demolition wastes, dead animals, industrial refuse, abandoned or unattended shopping carts, and special wastes shall not be deposited in a litter receptacle; or

- (ii) said litter is deposited at a disposal site or in a location designated for the purpose during collection days or special cleanup days; or
- (iii) said litter consisting of dead animals is disposed of in accordance with instructions issued by the Commissioner; or
- (iv) litter consisting of abandoned or unattended shopping carts is deposited at the retail store owning the shopping carts, or
- (v) said person is involved in an emergency situation.

3.2 Allow Litter to Accumulate

No person owning or occupying private property shall allow litter to accumulate upon that property in such a manner as to be unsightly or in such a manner that said litter may be blown or otherwise carried by the natural elements onto a public place, public area or private property.

4.1 Sweeping Litter into Gutters

No person shall sweep, dump or otherwise deposit litter into any gutter, boulevard, street or other public place without the permission of the Commissioner.

4.2 Persons Owning or Occupying Property

Persons owning or occupying property shall keep the sidewalk and boulevard in front of and flanking, and the lane at the rear of their property, free of litter.

5.1 Uncovered Vehicles

No person shall load a vehicle used for the conveyance of litter that may be readily disturbed by vehicular movement or wind, unless such vehicle is so constructed as to totally enclose the load or the load is covered by a tarpaulin, netting or other device of adequate size and design so as to totally cover the load.

5.2 Vehicle Loads Causing Litter

No person shall drive or move any vehicle within the city unless such vehicle is so constructed, loaded, or covered to prevent any load, contents, or litter from being blown or deposited upon any public place, public area, or private property.

5.3 Prima Facie Evidence

Whenever litter is thrown, deposited, dropped, blown, or dumped from any vehicle, it shall be prima facie evidence that the operator of said vehicle shall have violated this by-law.

6.1 Placement and Servicing of Receptacles under the Jurisdiction of the City

The City shall provide adequate litter receptacles in prominent and easily accessible locations in public places and shall be responsible for the servicing and maintenance of these receptacles.

6.2 Placement and Servicing of Receptacles in Public Areas

Owners and tenants in lawful control of a public area shall provide litter receptacles in appropriate and easily accessible locations and shall be responsible for the servicing and maintenance of these receptacles.

7.1 Merchants and Proprietors of Places of Business

Persons owning or occupying places of business shall keep the sidewalk and boulevard in front of and flanking, and the lane at the rear of their business premises free of litter.

7.2 Every proprietor of any place where fish and chips, hot dogs, popcorn, soft drinks, ice cream cones or other like foodstuffs or refreshments are sold in cartons, containers or papers, and the business is carried on under such circumstances that cartons, containers or papers are discarded in the vicinity by patrons of the place, shall keep his premises and all public or private lands, streets, lanes or passageways within a distance of 100 yards from his premises free of all discarded cartons, containers, or papers by collecting and disposing of the same at such times and in such manner as shall be satisfactory to the Health Officer of the City.

7.3 Where a business described in subsection 7.2 is carried on in any place, all discarded cartons, containers and papers, of a kind used in the business, that are found within the 100 yard distance from the place pursuant to subsection 7.2 shall be presumed to have been used for the sale of goods sold in that place, and to have been discarded by patrons thereof.

7.4 No person shall in any public place abandon a shopping cart or leave a shopping cart unattended.

8.1 Remedial Work Carried Out by City on Private Property

Where any owner, agent, lessee or occupier who has been given a notice, order or direction by the Commissioner or otherwise by the City to do any act or thing to remedy any situation or condition existing on his property contrary to any part of this by-law, and who neglects or refuses to comply with such notice, order or direction within the time specified, the Commissioner may order the work carried out and charge the cost of the work done to the owner, agent, lessee or occupier, and in default of payment.

- (i) recover the cost as a debt due to the City, or
- (ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the cost as such.

8.2 Remedial Work Carried Out by City in Public Places, Public Areas and on Private Property

Where any person who has been given a notice, order or direction by the Commissioner or otherwise by the City to do any act or thing to remedy any situation or condition existing in a public place or in a public area or on private property of another person, contrary to any part of this by-law, and who neglects or refuses to comply with such notice, order or direction within the time specified, the Commissioner may order the work carried out and charge the cost of the work done to the person in receipt of such notice, order or direction, and in default of payment recover the cost as a debt due to the City.

9.1 **GENERAL PENALTIES**

Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this by-law, is guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars in the case of an individual, or five thousand dollars in the case of a corporation, or in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment, and costs.

- 9.2 Where the contravention, refusal, neglect, omission or failure, including failure to comply with a notice, order or direction given by the Commissioner, continues for more than one day, the person is guilty of a separate offence for each day that it continues.

10.1 **REPEAL**

All by-laws, resolutions and orders passed prior hereto by any area municipality as defined in Clause (a) of Section 1, *The City of Winnipeg Act*, and still in force, relating to littering to the extent that they are inconsistent herewith, shall cease to have effect.

10.2 Without limiting the generality of the subsection 9.1, the following by-laws and any amendments thereto made, from time to time, are hereby repealed:

- (1) The Rural Municipality of North Kildonan By-law No. 5071
- (2) The Rural Municipality of North Kildonan By-law No. 1814
- (3) The City of St. Boniface By-law No. 4693
- (4) The City of Transcona By-law No. 23/67
- (5) The City of Winnipeg By-law No. 19347.

DONE AND PASSED in Council assembled, this 17th day of September, A.D., 1975.