THE CITY OF WINNIPEG

BY-LAW NO. 65/2013

A By-law of THE CITY OF WINNIPEG to amend the Neighbourhood Liveability By-law

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

Neighbourhood Liveability By-law amended

1. The Neighbourhood Liveability By-law No. 1/2008 is amended by this By-law.

Section 6 amended

2. The following subsection is added immediately after subsection 6(1):

6(1.1) The following items of garbage must not be allowed to accumulate on private property:

(a) one or more large items of refuse, including appliances, indoor furniture, dilapidated outdoor furniture, mattresses, large auto parts and crates;

(b) hazardous waste, as defined in the Solid Waste By-law;

(c) construction, demolition or renovation waste;

(d) wrecked, dismantled, partially dismantled, inoperative, discarded, or abandoned trailers, machinery or vehicles or parts thereof;

(e) six or more bags of garbage.

Section 53 replaced

3. Section 53 is replaced with the following:

Littering, dumping and large scale dumping of garbage prohibited

53(1) In this section,

*"**dumping**", in relation to garbage, means depositing, discarding or leaving garbage, other than litter, on a street, in a public place or on private property that is not the property of the person, except in a container designed for garbage collection;*

*"**large scale dumping**", in relation to garbage, means*

(a) from a vehicle, depositing, discarding or leaving garbage, other than litter, on a street, in a public place or on private property that is not the property of the person, except in a container designed for garbage collection; or

(b) depositing, discarding or leaving any of the following items on a street, in a public place or on private property that is not the property of the person, except in a container designed for garbage collection:

(i) one or more pieces of furniture or appliances, including mattresses;
(ii) hazardous waste, as defined in the Solid Waste By-law;
(iii) construction, demolition or renovation waste;
(iv) six or more bags of garbage;

*"**litter**", when used as a noun, means a single small item of garbage, such as a cigarette butt, a food or candy wrapper, or a disposable container;*

*"**littering**" means depositing, discarding or leaving litter on a street, in a public place or on private property that is not the property of the person, except in a litter receptacle or in a container designed for garbage collection.*

53(2) A person must not litter.

53(3) A person must not dump garbage.

53(4) A person must not engage in the large scale dumping of garbage.

53(5) The owner of a vehicle, and the person driving a vehicle, must not permit the vehicle to be used in the large scale dumping of garbage.

Part 10, Division 4 replaced

4 Division 4 of Part 10 is replaced in its entirety with the following:

DIVISION 4 – PENALTIES

Penalties for accumulation of garbage

109(1) Subject to subsection (3), a property owner or occupant of a property who contravenes subsection 6(1) (allowing garbage to accumulate on property) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following, plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*:*

(a) in the case of an individual, $600.00; and

(b) in the case of a corporation, $1200.00.

109(2) A property owner or occupant of a property who contravenes subsection 6(1.1) (allowing large scale accumulation of garbage on property) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following, plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*:*

(a) in the case of an individual, $2000.00; and

(b) in the case of a corporation, $4000.00.

109(3) Notwithstanding subsection (1), a person who contravenes subsection 6(1) may pay a discounted fine in the amount of half the minimum fine set out in subsection (1), plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*, within 15 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention.*

109(4) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter *is hereby imposed for a contravention of section 6 of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of litter or garbage that is associated with the conduct that is in contravention of the provision.*

Penalties for violation of Part 5 (Noise control)

109.1(1) An individual who contravenes Part 5 of this By-law (Noise Control) is guilty of an offence and is liable, upon summary conviction, to the following penalties:

(a) for a first offence, to a minimum fine of $50.00;

(b) for a second offence, to a minimum fine of $100.00; and

(c) for a third and each subsequent offence, to a minimum fine of $150.00.

109.1(2) A corporation that contravenes Part 5 of this By-law (Noise Control) is guilty of an offence and is liable, upon summary conviction, to the following penalties:

(a) for a first offence, to a minimum fine of $100.00;

(b) for a second offence, to a minimum fine of $200.00; and

(c) for a third and each subsequent offence, to a minimum fine of $300.00.

Penalties for violations of Part 3 (Littering and Garbage)

109.2(1) Subject to subsection (5), a person who contravenes subsection 53(2) (littering) or 54 (spitting on a street) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than $100.00, plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*.*

109.2(2) Subject to subsection (5), a person who contravenes subsection 53(4) (dumping garbage) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following, plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*:*

(c) in the case of an individual, $600.00; and

(d) in the case of a corporation, $1200.00.

109.2(3) A person who contravenes subsection 53(4) (large scale dumping of garbage) or 53(5) (own or operate a vehicle used in large scale dumping of garbage) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following, plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*:*

(c) in the case of an individual, $2000.00; and

(d) in the case of a corporation, $4000.00.

109.2(4) Subject to subsection (5), a person who contravenes section 55 (garbage escaping vehicle), section 56 (duty of owners/occupants) or section 57 (duty of business owners) is guilty of an offence and is liable, upon summary conviction for the contravention of that provision, to a fine of not less than the following, plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*:*

(a) in the case of an individual, $600.00; and

(b) in the case of a corporation, $1200.00.

109.2(5) Notwithstanding subsections (1), (2) and (4), a person who contravenes the provisions referred to in those subsections may pay a discounted fine in the amount of half the minimum fine set out in those subsections as being applicable to the person, plus court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*, within 15 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention.*

109.2(6) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter *is hereby imposed for a contravention of Part 3 of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of litter or garbage that is associated with the conduct that is in contravention of the provision.*

DONE AND PASSED, this day of , 2013.

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Mayor

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City Clerk

Approved as to content:

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Director of Community Services

Approved as to form:

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For Director of Legal Services/City Solicitor