

**The Corporation of the Township of Wollaston
By-Law 25-14**

**Being a By-law to prohibit the placing or depositing of refuse or debris,
waste material or wastes on private property or municipal property.**

WHEREAS the Municipal Act, 2001, Section 127, as amended, provides that Councils of local municipalities may pass by-laws to require the owner or occupant of land to clean and clear the land, or to clear refuse or debris from the land, not including buildings and to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS The Municipal Act, 2001, Section 446, as amended, a municipality may direct or require a person to do a matter or thing, or in default of it being done by the person, the matter or thing shall be done at the person's expense and further that the municipality may recover the costs of doing such matter or thing by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Council of the Corporation of the Township of Wollaston deems it necessary and in the public interest to enact a By-law to prohibit littering of private or municipal property for all residential, commercial and industrial uses;

NOW THEREFORE The Council of the Corporation of the Township of Wollaston enacts as follows:

1. DEFINITIONS

In this by-law:

'Commercial or Industrial Waste' means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material.

'Heavy pick-up wastes' means weighty or bulky articles such as furniture, bed springs, mattresses, barrels, boxes, water and fuel tanks (empty only) and any other discarded material which would normally accumulate at a dwelling.

'Household waste' means ashes, garbage, rubbish, discarded material, clothing, waste paper, broken crockery, glassware, and other such articles as would normally accumulate at a dwelling, but shall not include weighty or bulky articles such as stoves, mattresses, furniture, barrels, boxes, trees, discarded truck and automobile parts, tires, batteries, manufacturer's waste, water and fuel tanks, liquid waste, straw, hay and manure, carcass of any dead or live animal, animal feces, natural soil, earth, sand, clay, gravel, stones or other excavated materials and fence wire.

'Municipal property' means any property under the jurisdiction of the Municipality.

'Municipality' means the Corporation of the Township of Wollaston.

'Person' means a natural person, unincorporated association or organization, firm, partnership, private club, corporation, agent or trustee and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to the by-law.

'Private property' means privately owned property zoned for residential, commercial or industrial use.

'Refuse or debris' shall include sand, rock, gravel, grass, weeds, liquids, domestic garbage, trees, asphalt, concrete or pieces thereof or any commercial or industrial waste.

'Waste material' includes: garbage, rubbish, discarded building materials, refuse or junk, boulders in excess of 0.028 cubic metres, trees or tree stumps, tin cans, bottles, boxes or other containers, derelict or inoperative motor vehicles, derelict, abandoned or inoperable machinery, appliances and furnishings, both household and commercial, agricultural waste or sewage, or any liquid waste accumulated from home or place of business, and animal carcasses.

'Waste' shall mean any or all of the definitions of this section for the purposes of this bylaw, including heavy pick-up wastes, household wastes, refuse or debris and waste material.

2. OFFENCES

2.1 No owner shall allow or permit the creation, presence or existence of excessive amounts of any refuse or debris, waste material or wastes in or upon any yards, vacant lots, grounds or buildings which such owner owns, rents, occupies or has an interest, whether such interest is legal or equitable.

2.2 No person shall throw, place or deposit any refuse or debris, waste material or wastes on private property or on the property of the municipality or any local board thereof without the authority from the owner or occupant of such property.

3. REMOVAL

Where the property owner or municipal authorities are required to remove any refuse or debris, waste material or wastes deposited on their property, the full costs of such removal shall be recoverable from the person responsible or the property owner responsible for such littering or discarding.

4. NOTICE UNAUTHORIZED DUMPING IN MUNICIPAL PROPERTY CONTAINERS

The municipality may post notice that unauthorized dumping in a container or dumpster placed on municipal property is prohibited in accordance with this by-law.

5. INSPECTIONS

The By-law Enforcement Officer, or other person appointed for the purpose of enforcing this by-law

- a) has the power to enter upon and examine any yards, vacant lots, grounds or buildings, other than a dwelling, at any reasonable time or times, and
- b) may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this by-law.

6. NOTICE OF REMEDY

6.1 The By-Law Enforcement Officer may, by personal service or by notice sent by registered mail to the owner of the land or structure, require the Owner within the time specified in the notice:

- a) To clean, clear or remove from the land refuse or debris, waste material or wastes of any kind;
- b) To cease using the land for the dumping or disposing of refuse, debris, waste material or wastes of any kind
- c) To temporary cover over, screen, shield or enclose the refuse, debris, waste material or waste until such time as it is removed in the manner prescribed by the Officer;

6.2 Every notice to an owner shall be sent to the address shown on the last revised assessment roll or to the last known address.

6.3 In the event the Officer is unable to serve such notice under the provisions of this Section, the notice may be posted in a conspicuous place on the property, and the placing of the notice shall be deemed to be sufficient service of the notice on the property owner.

7. REMEDIATION

7.1 Where the owner is in default of doing any matter or thing directed or required to be done under this by-law, the By-Law Enforcement Officer may direct the completion of such at the owner's expense.

7.2 Where any matters or things are removed in accordance with subsection 10.1, such matters or things may be immediately disposed of by the Officer.

7.3 The Township may recover the remedial action and enforcement costs incurred under subsection 10.1 by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act.

8. OTHER LEGISLATION

If this by-law conflicts with the provisions of any other by-law of the County of Hastings the provisions of that by-law prevail to the extent of the conflict.

9. VALIDITY AND SEVERABILITY

Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this by-law or of the by-law as a whole.

10. PENALTY

In addition to any other penalty prescribed by this by-law, every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c.P.33.

11. SHORT TITLE

This by-law shall be cited as the "Clean Municipality" by-law.

12. FORCE AND EFFECT

This by-law shall come into force and effect upon the day of final passage thereof.

PASSED THIS 10th DAY OF JUNE, 2014.

Dan McCaw, Reeve

Jennifer Cohen, Clerk

Set Fine Schedule
The Corporation of the Township of Wollaston
Part 1 Provincial Offences Act
Bylaw 25-14 Depositing of Refuse

	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Unauthorized creation of any refuse or debris, waste material	2.1	\$500.00
2.	Unauthorized presence of any refuse or debris, waste material	2.1	\$500.00
3.	Unauthorized throwing of any refuse, debris or waste material	2.2	\$500.00
4.	Unauthorized placing or depositing of any refuse, debris or waste material	2.2	\$500.00

Note: the general penalty provision for the offences listed above is section 10 of by-law 25-14, a certified copy of which has been filed.