

BY-LAW NO. 4805

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A By-law to prohibit the throwing, placing or depositing of refuse or debris on private property, property of the Corporation, or property of any Local Municipality within the County, without authority from the owner or occupant of such property.

WHEREAS s.210 of The Municipal Act, R.S.O. 1990 c.M.45 empowers the councils of local municipalities to pass by-laws prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property;

AND WHEREAS s.209 of The Municipal Act, aforesaid, empowers a County, upon the passing of a by-law by its council, to assume all of the waste management powers of its local municipalities, for wastes as defined in the said by-law;

AND WHEREAS County Council passed By-law No. 3845 and By-law No. 3854 to assume such powers;

AND WHEREAS by the adoption of the recommendations contained in Item No. CS 02-165 of the Corporate Services Committee, County Council deems it expedient to implement a revised By-law.

NOW THEREFORE the Council of the Corporation of the County of Simcoe enacts as follows:

1. INTRODUCTION

Title and Scope:

1.1 This is a by-law to prohibit the throwing, placing or depositing of refuse or debris on private property, property of the Corporation or property of any Local Municipality within the County without the authority from the owner or occupant of such property. This by-law shall be known as the "Anti-Dumping By-law" of the County of Simcoe.

Validity and Severability

1.2 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 effect the validity or enforceability of any other provisions of this by-law or of the by-law as a whole.

Interpretation

- 1.3.1 Words used in the singular shall have corresponding meanings when used in the plural.
- 1.3.2 "May" shall be construed as permissive.
- 1.3.3 "Shall" shall be construed as imperative.

Force and Effect

- 1.4 This by-law shall come into force and take effect on the day that it receives the approval of the Council of the County.

2. DEFINITIONS

For the purposes of this by-law, the following words shall have the meaning ascribed herein:

"Agricultural Waste" means:

- (a) Waste, other than sewage and organic waste, resulting from farm operations, including animal husbandry and where a farm operation is carried on in respect of food packing, food preserving, animal slaughtering or meat packing, includes the waste from farm operations.

"Corporation" means:

- (a) The Corporation of the County of Simcoe.

"County" means:

- (a) The geographical area under the jurisdiction of the Council of the County of Simcoe.

"County Council" means:

- (a) The Council of the County of Simcoe.

"Derelict Vehicle" means a vehicle that is:

- (a) Inoperable; or
- (b) Has no market value as a means of transportation; or
- (c) Has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition; or
- (d) Is unlicensed for the current year.

"Liquid Industrial Waste" means:

- (a) Liquid waste that results from industrial processes or manufacturing or commercial operations.

"Local Municipality" means:

- (a) A municipality entitled to representation on the County Council.

"Municipal Law Enforcement Officer" means:

- (a) An officer appointed by by-law under the authority of statute to administer and enforce by-laws within the County or any local municipality.

"Owner" includes:

- (a) An assessed owner, tenant, occupant or any person having an interest whether equitable or legal in land.

"Person" means:

- (a) Any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to the by-law.

"Private Property" means:

- (a) Real property owned by a person(s) or corporation(s) other than a municipal corporation and within the County as defined herein.

"Refuse or Debris" means:

- (a) Ashes, garbage, rubbish, discarded building materials, used vehicle parts, tires, or junk;
- (b) Tin cans, bottles, boxes or other containers;
- (c) Derelict vehicles;
- (d) Derelict, abandoned or inoperable machinery, appliances and furnishings, both household and commercial;
- (e) Solid industrial waste, liquid industrial waste, agricultural waste or sewage.

"Sewage" means:

- (a) Any liquid or solid waste, containing animal, vegetable or mineral matter in suspension or a solution.

"Solid Industrial Waste" means waste from:

- (a) An enterprise or activity involving warehousing, storage or industrial manufacturing or commercial processes or operations; or
- (b) Research or an experimental enterprise or activity; or
- (c) Clinics that provide medical diagnosis or treatment; or
- (d) Schools, laboratories or hospitals.

"Vehicle" includes:

- (a) Any motor vehicle within the meaning of The Highway Traffic Act, R.S.O. 1990 c.H.8 of Ontario, trailer, commercial motor vehicle, an automobile, motorcycle, motor assisted bicycle, a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry road building machine and any other vehicle propelled or driven otherwise than by muscular power.

"Waste" means the same as "refuse or debris".

3. OFFENCES

- 3.1 No person shall throw, place or deposit refuse or debris on private property, property of the Corporation or property of any Local Municipality within the County, without authority from the owner or occupant of such property.

4. PENALTY

- 4.1 Any person who breaches Section 3.1 of this by-law is guilty of an offence and is subject to a penalty as provided under the Provincial Offences Act.

5. ADDITIONAL REMEDIES

- 5.1 In addition to the penalty set out above, a court may require a person or corporation convicted of an offence under this by-law to pay restitution or compensation to the owner of the land in question, or the Corporation of the County of Simcoe, for any costs incurred to clean up and properly dispose of any refuse or debris which was the subject matter of the said conviction.

- 5.2 Where it is alleged that an offence has been committed under this by-law on private property, even though no charge has been laid or conviction registered, the Corporation may require the owner of the private property to clean up and properly dispose of the refuse or debris. The Corporation shall provide the owner with a notice in writing delivered or sent to the owner by prepaid registered mail to their last known address directing the owner to comply within the time stipulated in the notice and notifying them that in default of compliance with the notice, the Corporation may perform the work at the owner's expense.
- 5.3 In the event that the owner fails to comply with the directions in the notice as set out above, the Corporation may do or cause to be done the work so specified and the cost thereof may be recovered from the said owner by court action or the Corporation may take such steps as are necessary to collect same in like manner as municipal taxes.
- 5.4 In the event that the presence of the refuse or debris presents, in the opinion of the Municipal Law Enforcement Officer, an unsafe, hazardous or dangerous condition such as to present a danger from fire or accident, or to present a danger to public health, the notice referred to in paragraph 5.2 may be dispensed with, and the Corporation may do or cause the work to be done, and recover its costs pursuant to paragraph 5.3.

6. ADMINISTRATION AND ENFORCEMENT

- 6.1 This by-law shall be administered by the Municipal Law Enforcement Officer of the Corporation.
- 6.2 This by-law shall be enforced by the Municipal Law Enforcement Officer of the Corporation or such other person or persons as the County Council may by by-law appoint.
- 6.3 A Municipal Law Enforcement Officer has the power to enter upon and examine any yards, vacant lots, grounds or buildings, other than a dwelling house, at any reasonable time or times and may be accompanied by such person or persons as they deem necessary to properly carry out their duties under this by-law.

7. CORPORATIONS

- 7.1 Every person who is an officer, director, employee or agent of a corporation charged with committing an offence under this by-law, is a party to the offence who:

- (a) Actually commits it;
- (b) Does or omits to do anything for the purpose of aiding any person to commit it; or
- (c) Abets any person in committing it.

7.1.1 Where two or more persons form an intention in common to carry out an unlawful purpose, and to assist each other therein, each of those who knew or ought to have known that the commission of an offence under this by-law would be a probable consequence of carrying out the common purpose is a party to the offence.

By-law read a first, second and third time and finally enacted this 28th day of May, A.D., 2002.


Warden, County of Simcoe

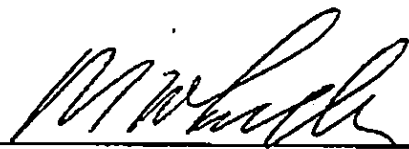

Clerk, County of Simcoe

PROVINCIAL OFFENCES ACT**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and the By-law No. 4805, as amended of the County of Simcoe, attached hereto is the set fine for those offences. This Order is to take effect ..November 20th, 2002.

DATED at Lindsay

This 20th day of November, 2002.



Justice R. P. Taillon
Regional Senior Justice
Central East Region
Ontario Court of Justice

COUNTY OF SIMCOE

PART I PROVINCIAL OFFENCES ACT

BY-LAW 4805 – DUMPING OF DEBRIS AND REFUSE

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 Set Fine (Includes Costs)
1	Throw debris or refuse on private property	Section 3.1	\$205.00
2	Throw debris or refuse on County property	Section 3.1	\$205.00
3	Throw debris or refuse on property of Local Municipality	Section 3.1	\$205.00
4	Place debris or refuse on private property	Section 3.1	\$205.00
5	Place debris or refuse on County property	Section 3.1	\$205.00
6	Place debris or refuse on property of Local Municipality	Section 3.1	\$205.00
7	Deposit debris or refuse on private property	Section 3.1	\$205.00
8	Deposit debris or refuse on County property	Section 3.1	\$205.00
9	Deposit debris or refuse on property of Local Municipality	Section 3.1	\$205.00

Note: Penalty provisions for the offences indicated above are Section 4.1 of By-law 4805