

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2002-35

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

WHEREAS s. 210 of the Municipal Act, R.S.O. 1990, Chapter 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 Section 209 (19) of The Municipal Act permits the Councils of local municipalities within the County to enter into agreements with the County to jointly enforce or carry out certain of the waste management powers aforesaid;

AND WHEREAS the Council of the Township of Essa has deemed it expedient to jointly, with the County, administer the power to control the dumping of certain waste within the corporate limits of the Township of Essa.

NOW THEREFORE BE IT RESOLVED:

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 or the property of the Corporation 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 Township of Essa.

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, this 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

1.3.4 This by-law shall come into force on the day that it receives the approval of the Council of the Township of Essa. It shall take effect on the day it receives the approval of the Council of the County of Simcoe.

2. DEFINITIONS

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

"Agricultural Waste" means: 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: The Corporation of the Township of Essa.

"County" means: The Corporation of the County of Simcoe.

"County Council" means: The Council of the County of Simcoe.

"Council" means: The Council of the Township of Essa.

"Derelict Vehicle" means: A vehicle that is inoperable; or has no market value as a means of transportation; or 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 is unlicensed for the current year.

"Liquid Industrial Waste" means: Liquid waste that results from industrial processes or manufacturing or commercial operations.

"Municipal Law Enforcement Officer" means: An officer appointed by by-law under the authority of statute to administer and enforce by-laws within the Township.

"Owner" includes: An assessed owner, tenant, occupant or any person having an interest whether equitable or legal in land.

"Person" means: 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: Real property owned by a person(s) or corporation(s) other than a municipal corporation.

“Refuse or Debris” means: Ashes, garbage, rubbish, discarded building materials, used vehicle parts, tires, or junk; tin cans, bottles, boxes or other containers; derelict vehicles; derelict, abandoned or inoperable machinery, appliances and furnishings, both household and commercial; solid industrial waste, liquid industrial waste, agricultural waste or sewage.

“Sewage” means: Any liquid or solid waste, containing animal, vegetable or mineral matter in suspension or a solution.

“Solid Industrial Waste” means waste from: An enterprise or activity involving warehousing, storage or industrial manufacturing or commercial processes or operations; or research or an experimental enterprise or activity; or clinics that provide medical diagnosis or treatment; or schools, laboratories or hospitals.

“Vehicles” includes: 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 or property of the Corporation 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 upon conviction 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 Township of Essa, for any costs incurred to clean up and properly dispose of any refuse or debris which was the subject matter of the said conviction.

6. ADMINISTRATION AND ENFORCEMENT

6.1 This by-law shall be enforced by the Municipal Law Enforcement Officer of the Corporation or such other person or persons as Council may by by-law appoint.

6.2 A Municipal Law Enforcement Officer has the power to enter upon and examine any yards, vacant lots, grounds or building, 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:

Actually commits it; does or omits to do anything for the purpose of aiding any person to commit it; or abets any person in committing it. 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.

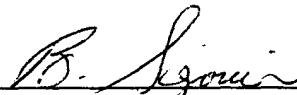
8. That By-law 97-52 is hereby repealed.

9. This By-law shall come into force and take effect the day it is finally passed by Council and approved by Council for the County of Simcoe.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 5th day of June, 2002.



Robert Davis - Mayor



Brenda Sigouin - Clerk-Administrator

This By-law was consented to by By-law 4823 of the Council of the County of Simcoe on the 25th day of June, 2002.



Warden, County of Simcoe



Clerk, County of Simcoe

BY-LAW NO. 4823

OF

THE CORPORATION OF THE COUNTY OF SIMCOE

A By-law to consent to The Township of Essa's By-law No. 2002-35 being a By-law to compliment the County of Simcoe's 'Anti-dumping' By-law No. 4805.

WHEREAS the County has assumed waste management powers for its constituent municipalities pursuant to its By-Laws No. 3845 and No. 3854;

AND WHEREAS the Municipal Act, R.S.O. 1990, c.M.45 and in particular, Section 209 (10) thereof provides that when such a By-law is passed, the County has exclusive jurisdiction with respect to the powers assumed but that the County may consent to certain matters being undertaken by local municipalities;

AND WHEREAS the Township of Essa has determined to pass a By-law to prevent dumping on property within the Township, the full provisions of which are set out in the copy of the By-law attached as Schedule 1 to this by-law;


AND WHEREAS pursuant to Section 209 (10) of the Municipal Act, the Township of Essa has sought the consent of the County to its By-law;

AND WHEREAS, by the adoption of the recommendations contained in Item No. CS 02-223 of the Corporate Services Committee, County council deems it necessary to approve and consent to the Township of Essa's - 'Anti-dumping' By-law No. 2002-35.

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

1. THAT the Council of the County of Simcoe hereby consents to the "Anti-dumping By-law" of the Township of Essa being By-Law No. 2002-35 of the said Township.
2. THAT Schedule 1, attached hereto, being the By-law as to form and content, forms part of the by-law.
3. THAT this By-law shall come into force and take effect immediately.

By-law read a first, second and third time and finally enacted this 25th day of June, A.D., 2002.


Warden, County of Simcoe


Clerk, County of Simcoe