

The Corporation of the Township of Centre Wellington

By-law 2020-48

A By-law to prohibit the throwing, placing, dumping or depositing of refuse, litter, waste, rubbish, or otherwise fouling of any public or private property

Whereas pursuant to Sections 11, 127, and 128 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, hereinafter referred to as the *Municipal Act*, a municipality may pass By-laws respecting the health, safety and well-being of persons, and the protection of persons and property; prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and prohibit and regulate with respect to matters considered to be a public nuisance, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And Whereas Section 425 of the *Municipal Act*, permits a municipality to pass By-laws providing that any person who contravenes any By-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

And Whereas Section 436 of the *Municipal Act*, permits a municipality to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a By-law passed under the *Municipal Act, 2001*, or a direction or order made under such a By-law are being complied with;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1. Short Title

1.1 This By-law may be referred to as the "Littering By-law".

2. Definitions

2.1 In this By-law:

"Costs" means all monetary expenses incurred by the Township during and throughout the process to clean up refuse, including interest and may include an administrative surcharge amount as established by the Township's Fees and Charges By-law;

"County" means the Corporation of the County of Wellington;

"Highway" includes a common and public highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"Occupant" means any person over the age of eighteen years in possession of the Property;

"Officer" means a police officer, municipal law enforcement officer, or any other person appointed by By-law to enforce the provisions of this By-law;

"Owner" includes the registered owner of the property and,

(a) the Person for the time being managing or receiving the rent of the property in connection with which the word is used, whether on the Person's own account or as agent or trustee of any other Person, or who would receive the rent if the property were let; and

(b) a lessee or Occupant of the Property;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

"Property" means any land, highway, or park within the Township;

"Refuse" means waste, garbage, litter, rubbish, debris, material, refuse, and any other discarded or abandoned commodities of any kind whatsoever;

"Township" means the Corporation of the Township of Centre Wellington or the land within the geographic limits of the Corporation of the Township of Centre Wellington as the context requires;

“Watercourse” means a natural channel where water flows between banks that are more or less defined. The flow of water does not need to be constant, but the channel must be a permanent landmark.

3. General Provisions

- 3.1 No Person shall throw, place, deposit or dump or cause or permit to be thrown, placed, deposited or dumped refuse on property without the approval of the owner of the property.
- 3.2 No Person shall throw, place, deposit or dump or cause or permit to be thrown, placed, deposited or dumped refuse on any highway.
- 3.3 No Person shall throw, place or deposit or dump or cause or permit to be thrown placed, deposited or dumped refuse on any watercourse, or any environmentally protected areas as identified in the Township’s Zoning By-law, as amended or by the Grand River Conservation Authority.
- 3.4 Any Person who throws, places, deposits or dumps or permits to be thrown, placed, deposited or dumped refuse on property is responsible for the removal of the refuse and all costs related to the removal of the refuse.

4. Exemptions

- 4.1 Sections 3.1 and 3.2 of this By-law shall not apply:
 - (a) Where a Person places refuse on property in accordance with the applicable By-laws of the Township or County respecting garbage and waste collection;
 - (b) Where a Person during the course of construction on a property, construction materials are stored on that property, provided a building permit, road occupancy permit and/or a site alteration permit has been obtained from the Township, and if applicable, from the Grand River Conservation Authority.

5. Severability

- 5.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Township that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

6. Singular and Plural Use

- 6.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

7. Enforcement and Penalties

- 7.1 The provisions of this By-law shall be enforced by an Officer.
- 7.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 7.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 7.4 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 7.5 Every person who contravenes any provision of this By-law, upon conviction, is guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended. Each day that such offence is committed, or permitted to continue shall constitute a separate offence and may be punishable as such.
- 7.6 Every person who is issued a Part 1 offence notice or summons (ticket) and is convicted of an offence under this By-law and the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 7.7 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

- 7.8 If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.9 The Township may recover its costs of remedying a violation of this By-law by invoicing the person owing the costs, by initiating court proceedings or by adding the costs, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the *Municipal Act* and the exercise of any one remedy shall not preclude the exercise of any other available remedy.
- 7.10 All Costs owed to the Township are due and payable within thirty (30) days of the billing date set out on the invoice and, in the event of failure to pay the entire amount due within the said thirty (30) days, interest may be applied at the rate of 1.25% per month (15% annually).
- 7.11 Where a conflict arises between the provisions of this By-law and any other By-law of the Township the more stringent provisions shall apply.

Read a first, second and third time and finally passed this 26th day of October, 2020.



Mayor – Kelly Linton



Clerk – Kerri O'Kane