

The Corporation of the Municipality of Grey Highlands

By-law No. 2019-071

Being a By-law to Prohibit the Dumping of Waste on Private or Other Property in the Municipality of Grey Highlands

Whereas, the Municipal Act, S.O. 2001, C.25, section 8 provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance a municipality's ability to respond to municipal issues; and

Whereas, Section 74, Section 425(1), Section 426 and Section 429 of the Municipal Act 2001, S.O. 2001, c.25, as amended authorizes that a municipality may, in a by-law prohibiting or regulating any matter passed under the "waste management" sphere of jurisdiction, provide that a person who contravenes the by-law is guilty of an offence and is liable to a fine; and

Whereas, Section 127 of the Municipal Act, S.O. 2001, c. 25, as amended, permits councils of local municipalities to pass by-laws for requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, to regulate when and how such matters shall be done, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, and to define "refuse"; and

Whereas, Section 180 of the Highway Traffic Act R.S.O. 1990, c. H.8, s. 180. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway;

Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:

1. Short Title

That this By-law shall be known and shall be cited as the "Illegal Dumping By-law".

2. Application

2.1 The provisions of this By-law shall apply to the owners and occupants of all residential, industrial, commercial and institutional establishments within the municipality.

3. Scope

3.1 No person shall dump, drop, sweep, throw, cast or otherwise deposit; or permit his/her contractor, agent, employee, minor child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit any material whatsoever on or in any road, road allowance or public property, or at the entrance to or around the perimeter of a Waste Disposal Site.

3.2 No person shall dump or deposit, or permit his/her contractor, agent, employee, minor child under his/her care or control or animal

under his/her care or control to dump or deposit any material generated on a premises owned or occupied by that person into litter bins on any road, road allowance, or public property.

3.3 The provisions of this By-law shall apply to all lands within the Municipality of Grey Highlands.

4. Effective Date

This By-law shall come into full force and take effect on the date the By-law receives three readings.

5. Definitions

5.1 "ANIMAL" shall mean any live animals or birds and carcasses or parts thereof of any animal or other creature.

5.2 "BY-LAW/MUNCIPAL ENFORCEMENT OFFICER" shall mean the person or persons appointed to that position by the Council of the Corporation of the Municipality of Grey Highlands, or any other person appointed by the Municipality from time to time for purposes of enforcement of this By-law.

5.3 "HIGHWAY" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, road allowance, viaduct, or trestle, designed or intended for, or used by, the general public for the passage of vehicles or persons, whether under the jurisdiction of the Municipality of Grey Highlands and including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk.

5.4 "LITTER" means trash, such as paper, cans, and bottles, that is left lying in an open or public place.

5.5 "OCCUPANT" means any owner, occupant, lessee, tenant or any person having use, occupation and/or charge of any dwelling, apartment, house, townhouse, or any portion thereof of any other premises.

5.6 "OWNER" shall include the occupant of property and also includes any person, managing or receiving from land or premises either acting as a proprietor by way of legal title or by right of possession or by acting as an agent or trustee. Owner shall also include a lessee of property who under the terms of the lease is required to repair and maintain the property.

5.7 "PERSON" includes an individual, owner or owners, lessees or occupants, firm, corporation, association, partnership, and includes the owner of a vehicle, including Commercial Vehicles, as defined in the Highway Traffic Act of Ontario, R.S.O. 1990, c.H.8, as amended.

5.8 "PROPERTY" means any grounds, yard or vacant lot.

5.9 "REFUSE" means waste, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes septic tank liquor, wet and dry sewage disposal sludge, contents of privy vaults, cesspools and holding tanks for human excrement, paper, handbills, an inoperative motor vehicle, appliances, carcass of any dead animal, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery,

equipment, materials or structures apparently disused in their existing location.

5.10 "WASTE" includes refuse, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes septic tank liquor, wet and dry sewage disposal sludge, contents of privy vaults, cesspools and holding tanks for human excrement, paper, handbills, an inoperative motor vehicle, appliances, carcass of any dead animal, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery, equipment, materials or structures apparently disused in their existing location.

6.0 General Provisions

6.1 No person shall throw, place, dump or deposit any waste on private property or the property of the Municipality of Grey Highlands without authority from the owner or occupants of such property.

6.2 No person shall throw, place, dump or deposit waste on a highway within the Municipality of Grey Highlands except when placed out in accordance with the By-laws.

6.3 No person shall throw, place, dump or deposit waste, litter or debris on private property of a local board without authority from the owner or occupants of such property.

6.4 The owner or occupant of private property used contrary to or on which there is a contravention of subsections (6.1) and (6.3) above, regardless of whether the use or contravention occurred prior to the enactment of this by-law, shall at the person's own expense clean, clear and cease using such land or structure for such prohibited purposes.

6.5 The provisions of this By-law shall apply to all lands within the Municipality of Grey Highlands.

7.0 Penalties and Enforcement

7.1 The Municipal By-law Enforcement Officer is hereby authorized and empowered to enforce the provisions of this By-law.

7.2 Every person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c.P. 33, as amended.

7.3 In the event that any person fails to comply with a notice to comply issued pursuant to this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

7.4 If, for any reason, any section, clause or provision of this by-law is deemed by a Court or competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof other than the part which was declared to be invalid.

Read a first, second and third time, and finally passed on July 03 2019.

The Corporation of the
Municipality of Grey Highlands

Original Signed By

Paul McQueen, Mayor

Original Signed By

Raylene Martell, Municipal Clerk

Status: Passed

**Municipality of Grey Highlands
Part I Provincial Offences Act
By-law 2019-071 – Illegal Dumping**

Item	Short Form Wording	By-law Section creating or defining offenses	Set fine
1	Illegal Dumping – Private or Municipal Property	6.1	\$300.00
2	Illegal Dumping – Highway	6.2	\$300.00
3	Illegal Dumping – Private or Conservation Authority	6.3	\$300.00

NOTE: the general penalty provision for the offences listed above is section 7.2 of the By-law 2019-071, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

February 5th, 2020

Ms. Devyani Anandjit
Crown Law Office, Criminal
Ministry of the Attorney General
720 Bay Street, 10th Floor
Toronto, ON M7A 2S9

Dear Ms. Anandjit:

Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2019-071, of the Municipality of Grey Highlands

Please find enclosed a copy of the above Order, and a copy of a letter to the municipality as referenced above.

Should you have any questions or concerns, please do not hesitate to contact me at (519) 660-2293.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kendra Tracey'.

Kendra Tracey
Manager, Regional Judicial Support
West Region

encl.
/mg

ONTARIO COURT OF JUSTICE

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 schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2019-071, of the Municipality of Grey Highlands, attached hereto are the set fines for those offences. This Order is to take effect February 5th, 2020.

Dated at London this 5th day of February, 2020.

A handwritten signature in black ink, appearing to read 'J. LeRoy', is written over the printed name.

Jeanine E. LeRoy
Regional Senior Justice
West Region

Municipality of Grey Highlands
Part I Provincial Offences Act
By-law 2019-071 – Illegal Dumping

Item	Short Form Wording	Provision creating or defining offences	Set fine
1	Illegal Dumping – Private or Municipal Property	6.1	\$300.00
2	Illegal Dumping – Highway	6.2	\$300.00
3	Illegal Dumping – Private Property without authority	6.3	\$300.00

NOTE: the general penalty provision for the offences listed above is section 7.2 of the By-law 2019-071, a certified copy of which has been filed.

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ONTARIO COURT OF JUSTICE
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TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

February 5th, 2020

Raylene Martell
Director of Legal Services/Municipal Clerk
206 Toronto Street South, Unit One
P.O. Box 409
Markdale, ON N0C 1H0

Dear Ms. Martell:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2019-071, of the Municipality of Grey Highlands**

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Owen Sound together with a copy of the By-law.

Yours truly,

A handwritten signature in cursive script, appearing to read "J. LeRoy".

Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/mg