THE CORPORATION OF THE TOWNSHIP OF JOLY

BY-LAW 2023-013

Being A By-Law to Prohibit the Throwing, Placing, or Depositing of Refuse or Debris on Private or Township Property

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25* (hereinafter referred to as the "*Municipal Act*") provides that the powers of a municipality under the *Municipal Act* or any other Act 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 the municipality's ability to respond to municipal issues;

AND WHEREAS Section 10 (2) of the *Municipal Act* provides that a single-tier municipality may pass by-laws respecting the health, safety and well-being of persons, the services and things that the municipality is authorized to provide, and the protection of persons and property, including consumer protection.

AND WHEREAS Section 127 of the *Municipal Act* provides that a municipality may define what constitutes debris and refuse and may require the owner or occupant of land to clean and clear land, to clear refuse or debris from the land, to regulate how cleaning and clearing is to be done and to prohibit the depositing of refuse or debris without the consent of the owner or occupant of the land;

AND WHEREAS Section 425 of the *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the *Municipal Act*, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS Section 429 (1) of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS Section 436 of the *Municipal Act* provides that a By-law Enforcement Officer may enter upon any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

AND WHEREAS Section 446(1) of the *Municipal Act* provides that a municipality may direct or require a person to do a matter or thing and that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Section 446(2) of the *Municipal Act* provides that for the purpose of subsection (1), the Municipality may enter upon land at any reasonable time.

AND WHEREAS Section 446(3) of the *Municipal Act* provides that a municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

NOW THEREFORE, The Council of the Corporation of the Township of Joly hereby enacts as follows:

'inoperative motor vehicle' means a motor vehicle which is without a current license plate, and has its fender or fenders, hood, truck, roof, wheel or wheels or any part of its superstructure removed, or a motor vehicle which is in a dilapidated condition;

'local board' means any school board, municipal service board, public library board, board of health, or any other board, commission, committee, or local authority established or exercising any power or authority under any general or specific Act with respect to the affairs or purposes, including school purposes of the Township or any part thereof;

"Municipal Law Enforcement Officer" shall mean a person appointed by a by-law of the Corporation to enforce municipal by-laws (MLEO);

'Officer' means a Municipal Law Enforcement Officer or a police officer;

'owner' includes the registered owner, occupant, tenant, person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on their own account or as agent or trustee of any other person who would so receive the rent if such land and premises were let, person in control of the premises or any of the aforesaid;

'person' means an individual, firm, proprietorship, partnership, associates, syndicate, trust, corporation, department, bureau, agency, or any of the aforesaid;

'private property' means property which is privately owned and is not Township property or property of a local board or property of any of the Crown in Right of Ontario, the Crown in Right of Canada or any emanation there;

'property' means land, tenements, and hereditaments or any estate or interest herein and any right or easement affecting the land;

'refuse or debris' means waste, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes septic tank liquid, wet and dry sewage disposal sludge, contents of privy vaults, cesspools and holding tanks for human excrement, paper, handbills, inoperative motor vehicles, appliances, carcass of any dead animal, disused furniture, old clothing, garden refuse, yard waste, 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.

'Township' means the geographic entity Township of Joly;

'Township property' means any lands situated with the Township which is owned by the Corporation or controlled by the Corporation by lease or otherwise and shall include any highways or road allowances owned and under the jurisdiction of the Township;

1. GENERAL PROVISIONS

1.1 No person shall throw, place or deposit refuse or debris on private property without the written consent of the owner or occupant of the property.

1.2 No person shall throw, place or deposit refuse or debris on Township property without the written consent of the Corporation, and where such property is

2. REMEDIATION

2.1 Where the person who owned or deposited any waste on Township property can be determined, that person shall be required, upon receipt of written notice from the Township, to remove said waste.

2.2 No person shall refuse or fail to remove any waste in accordance with notice referred to in Section 2.1

2.3 A written notice pursuant to section 2.1 may be served by the following means:

(a) Personally;

(b) by registered mail to address of the person as listed in the current assessment rolls;

(i) If sent by registered mail, the notice shall be deemed to have been served on the fifth day after mailing.

2.4 Every notice delivered or sent by the MLEO shall specify that if the owner defaults in doing the matter or thing required to be done under this by-law by the date specified in the notice, the MLEO may take action for the Corporation to do the matter or thing, required to be done under this by-law, and that the Corporation may recover the costs of doing the thing or matter required to be done from the person directed or required to do it and may recover the costs by action, or by adding the costs to the tax roll and collecting them as the same manner as taxes.

2.5 Where an person, having been served with a notice in the manner described in section 2 of this by-law, fails to comply with the notice within the time specified, an Officer, employee or agent may, upon producing appropriate identification when so requested, enter onto property at a reasonable time and carry out any or all work required.

2.6 Any items or materials removed from a property during a clean-up conducted by the Township or an agent of the Township may be immediately disposed of without further notice to the property owner.

2.7 Where the Township has conducted a remedial action as described in section 2.5, all expenses incurred by the Township in doing the work as well as any related administrative fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.

2.8 The Township assumes no liability for property damage or personal injury resulting from remedial action or work undertaken with respect to any person or property that is subject to this by-law.

3. ENFORCEMENT

3.1 This By-law shall be administered and enforced by the Municipal Law Enforcement Officer of the Township of Joly.

3.2 An Officer may, at all reasonable times, enter upon land for the purpose of

3.4 No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

3.5 Any person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to an Officer upon request.

4. PENALTY

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

5. VALIDITY AND SERVERABILTY

5.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

6. SHORT TITLE

6.1 The short title of this by-law is the "Dumping By-Law".

7. REPEAL

7.1 Bylaw 87-07 is hereby repealed in its entirety.

8. EFFECTIVE DATE

8.1 This by-law will come into effect on the date it is passed.

READ FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 14th DAY OF NOVEMBER, 2023.

Brian McCabe, Mayor

Katey Brimacombe, Deputy Clerk

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BY-LAW 2023-013

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PART I PROVINCIAL OFFENCES ACT

SCHEDULE "A"

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1.	Throw, place, or deposit refuse or debris on private property	1.1	$200.00
2.	Throw, place, or deposit refuse or debris on Township property	1.2	$300.00
3.	Throw, place, or deposit refuse or debris on property of a local board	1.3	$300.00
4.	Fail to remove waste in accordance with notice	2.2	$500.00
5.	Hinder or obstruct officer, employee, or agent of the Township of Joly	3.3	$400.00
6.	Provide false statement	3.4	$400.00
7.	Fail to identify upon request	3.5	$400.00

NOTE: The general penalty provision for the offences listed above is Section 4.1 of By-law 2023-013, a certified copy of which has been filed.