

The Corporation of the Township of Springwater By-Law No. 97-127

Being a By-law to regulate the disposal or depositing of waste in the Township of Springwater, to repeal By-laws No. 9-89 and 1780 of the former Township of Flos and By-law No. 91-18 of the former Township of Vespra.

(Waste Control By-law)

Whereas Section 210 of the Municipal Act, R.S.O., 1990 c. M45, as amended, empowers the councils of the local municipalities to pass by-laws prohibiting the litter of private or municipal property; preventing nuisances that may emit from certain industrial establishments; controlling the lands used for the disposal of refuse; cleaning and clearing any grounds, yards and vacant lots; for requiring buildings and yards to be put in a safe condition; prohibiting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them; and other specific waste management powers;

And Whereas Section 208.2 of the Municipal Act aforesaid empowers a local municipality, through the passing of by-laws, to establish, maintain and operate a waste management system;

And Whereas Section 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 of the County of Simcoe passed By-Law No. 3845 and By-Law No. 3854 to assume such power;

And Whereas Section 220.1 of The Municipal Act provides that a municipality may pass by-laws for imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it and for costs payable by it for services or activities done by or on behalf of any other municipality;

And Whereas the Council of The Corporation of the Township of Springwater deems it necessary and expedient to pass a by-law regulate the disposal or depositing of waste in the Township of Springwater, to repeal By-laws No. 9-89 and 1780 of the former Township of Flos and By-law No. 91-18 of the former Township of Vespra.

Now Therefore be it resolved that:

1 Introduction:

1.1 Title and Scope:

1.1.1 This is a By-law to regulate the deposit of waste or waste materials on any grounds, yards, or vacant lands, whether public or private within the Township and to the owners, occupants, or persons in control of such properties to remove and properly dispose of waste or waste materials stored or deposited on same and to prevent the unauthorized deposit of waste or waste materials within the Township. This by-law shall be known as the "Waste Control By-law" of the Township of Springwater.

1.2 Repeal of Former By-laws:

1.2.1 By-law No. 9-89 and By-law No. 1780 of the former Township of Flos and By-law No. 91-18 of the former Township of Vespra are hereby repealed.

1.3 Validity and Severability:

1.3.1 Should any section, sub-section, 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 affect the validity or enforceability of any other provisions of this By-law or of the By-law as a whole.

1.4 Interpretation:

1.4.1 Words used in the singular shall have corresponding meanings when used in the plural.

1.4.2 "May" shall be construed as permissive.

1.4.3 "Shall" shall be construed as imperative.

1.5 Force and Effect:

1.5.1 This By-law shall come into force and take effect on the day that it receives the approval of the Council of the Township of Springwater.

2 Definitions:

For the purpose of this By-law, the following words shall have the meaning ascribed herein:

- 2.1 **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.
- 2.2 **Council** means: the Council of The Corporation of the Township of Springwater.
- 2.3 **Derelict Vehicle** means a vehicle that:
- a) is 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; and includes any part thereof.
- 2.4 **Liquid Industrial Waste** means:
- a) liquid waste that results from industrial processes or manufacturing or commercial operations.
- 2.5 **Owner** includes: an assessed owner, tenant, occupant or any person having an interest whether equitable or legal in the land.
- 2.6 **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.
- 2.7 **Sewage** means:
- a) Any liquid or solid and liquid waste, containing animal, vegetable or mineral matter in suspension or a solution.
- 2.8 **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

2.9 **Township** means: The Corporation of the Township of Springwater.

2.10 **Unsafe Condition** includes:

- a) Flammable waste material, long grass or untrimmed underbrush; or
- b) An unfenced or unprotected pit, excavation, hole or other activity;
or
- c) A building, part or all of which is liable to collapse from snow, wind, human occupation or other causes; or
- d) Any other circumstances that create, or are likely to create an unsafe or hazardous condition from fire or other dangerous accident.

2.11 **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, moto 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 a muscular power and also includes parts thereof.

2.12 **Waste Material** includes:

- a) Garbage, rubbish, discarded building materials, refuse or junk;
- b) Tin cans, bottles, boxes or other containers;
- c) Derelict vehicles as herein defined,
- d) Derelict, abandoned or inoperable machinery, appliances and furnishings, both household and commercial;
- e) Solid industrial waste, liquid industrial waste, agricultural waste or sewage.

2.13 **Zoning By-law** means: the prevailing Zoning By-law(s) in force and effect in the Township of Springwater.

3 **Offenses:**

- 3.1 No owner shall allow or permit the creation, presence or existence of any waste material or unsafe condition in or upon any yards, vacant lots, grounds or buildings which such owner owns, rents, occupies or has an interest in, whether such interest is legal or equitable.
- 3.2 No person shall allow, permit or aid in the discharge or discarding of any waste material onto any lands or highways, whether public or private within the Township.
- 3.3 It shall not be an offence under s.3.1 above, where:
- 3.3.1
- 3.3.1.1 The material is being stored within a shed, garage, or other building in a condition suitable for safe storage of the materials and in accordance with all other by-laws of the Township; and
- 3.3.1.2 The storage of the waste material is a necessary or normal accessory use to another lawful use actually being carried out on the property; and
- 3.3.1.3 The storage of the same and the owner are subject of a certificate is issued for such purposes under the Environmental Assessment Act, R.S.O., 1990, c.E18 or the Environmental Protection Act, R.S.O., 1990, c.E19 and such approval or exemption is currently in force;
- 3.3.2
- 3.3.2.1 The material is being stored by an owner approved by the Township to carry on a business upon the subject yards, vacant lots, grounds or buildings and/or such use is permitted under the Zoning By-law; and
- 3.3.2.2 Storage of such items as is necessary or normal accessory use thereto and the yards, vacant lots, grounds or buildings; and
- 3.3.2.3 The owner is the subject of a certificate of approval, or exemption, for the purposes of same which certificate is issued for such purposes under the Environmental Assessment Act, R.S.O., 1990, c.E18 or the Environmental Protection Act, R.S.O., 1990, c.E19; and such approval or exemption is currently in force;
- 3.4 No person shall transport along any street, any waste material unless such waste is properly enclosed or covered with canvas, tarpaulin or net

fastened down around the edges, or some other suitable arrangement is in place to prevent the contents falling onto the streets.

3.5 Any person who wishes to file a complaint against any other person alleging an offence under Section 3.1 of this By-law:

- a) Shall make any such complaint in writing, and
- b) May be required to deposit with the Township a Site Inspection Fee as may be established by Council from time to time.

4 **Administration, Enforcement and Inspection:**

4.1 This By-law shall be administered by the Municipal Law Enforcement Officers of the Township or such other person or persons as Council may by by-law appoint and all such persons shall be considered inspectors under the terms of this By-law.

4.2 This By-law shall be enforced by the Municipal Law Enforcement Officers or such other persons or persons as the Council may by by-law appoint and all such persons shall be considered inspectors under the terms of this By-law.

4.3 An inspector under this By-law:

4.3.1 Has power to enter upon and examine any yards, vacant lots, grounds or buildings, other than a dwelling, at any reasonable time or times; and

4.3.2 May be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this by-law.

5 **Penalty:**

Every person who:

5.1 Hinders, disturbs, or obstructs any Inspector in the carrying out of their duties under this By-law, or;

5.2 Contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to a fine:

- a) On the first offence of not less than \$500 and to a maximum of \$5,000; and

- b) On the second offence of not less than \$1,000 and to a maximum of \$5,000
- c) Should the maximum fine under the Provincial Offences Act be raised subsequent to the date of passage of this by-law., to a fine of up to such amount.

6 **Continuing Offence:**

- 6.1 Each day that a situation as described in sections 3.1 or 3.2 of this By-law is allowed to continue shall constitute a separate offence under this By-law and any judge or justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

7 **Corporations:**

- 7.1 Every person and 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, or
 - 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. 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 **Additional Remedy:**

- 8.1 In addition to the remedies set out in paragraph 5 above, an Inspector appointed under this By-law may give the owner and/or occupant of any yards, vacant lots, grounds or buildings who contravenes sections 3.1 or 3.2 of this By-law, a notice in writing delivered or sent to the owner and/or occupant by prepared registered mail to their last known address directing the said owner and/or occupant to dispose of the waste material within the time stipulated in the notice and notifying them that in default of

compliance with the notice, the Township shall perform the work at the owner's and/or occupants expense;

- 8.2 The owner or occupant of any yards, vacant lots, grounds or buildings who contravenes sections 3.1 or 3.2 of this By-law, may be subject to a User Fee or Charge as may be established by Council from time to time to offset the costs associated with the administration and enforcement of this By-las and shall upon demand pay such fee or charge to the Township. If an owner or occupant fails to pay the fee or charge to the Township within a period of 90 days from the date of such notice or invoice, such fee or charge, or outstanding portion thereof, may be added to the tax roll for the subject property and be collected in like manner as municipal taxes.
- 8.3 In the event that the owner and/or occupant fails to comply with the directions in the notice set out in section 8.1, the Township may do or cause to be done the work so specified and the cost thereof may be recovered from the said owner and/or occupant by court action or the same may be recovered in like manner as municipal taxes;
- 8.4 In the event that the presence of the waste material presents, in the opinion of an Inspector, and unsafe, hazardous or dangerous condition or to present a danger to public health, the notice referred to in paragraph 8.1 may be dispensed with.

By-law read a first and second time this 15th day of December, 1997.

By-law read a third time and finally passed this 15th day of December, 1997.

The Corporation of the Township of Springwater

(Original Signed By)

Mayor Helen E. Coutts

(Original Signed By)

Clerk Eleanor J. Rath