

# The Corporation of the Township of Springwater

## By-law 2022-032

### A By-law to Prohibit the Dumping of Waste on Private or Township Property in the Township of Springwater and to Repeal By-law 97-127.

(Littering By-law)

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**Whereas** Section 8 of the *Municipal Act*, 2001, S.O. 2001, c.25, 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, provides 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, 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. states that 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 Corporation of the Township of Springwater enacts as follows:

#### 1. Definitions

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1.1 For the purpose of this by-law, the following definitions shall apply:

**"Animal"** means any live animals or birds and carcasses or parts thereof of any animal or other creature.

**“Highway”** means a highway as defined under the Highway Traffic Act R.S.O. 1990, c. H.8, s. 180.

**“Litter”** means trash, such as paper, cans, and bottles, that is left lying in an open or public place.

**“Occupant”** means any owner, occupant, lessee, tenant or any person having us, occupation and/or charge of any dwelling, apartment, house, townhouse, or any portion thereof of any other premises.

**“Officer”** shall mean a Municipal Law Enforcement Officer or Police Officer.

**“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.

**“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.

**“Private Property”** means real property owned by a person(s) or corporation(s) other than a municipal corporation and within the Township as defined herein.

**“Property”** means any grounds, yard or vacant lot.

**“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 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, yard waste, ear 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 Corporation of the Township of Springwater.

**“Township property”** means any land situated within the Township of Springwater which owned by the Corporation or controlled by the Corporation by lease or otherwise.

**“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, yard waste, ear 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.

## **2. General Provisions**

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- 2.1 No person shall throw, place, or deposit or aid in the depositing of waste on any highway or road allowance within the Township.
- 2.2 No person shall throw, place, or deposit or permit or aid in the depositing of waste on private property within the Township.
- 2.3 No person shall throw, place or deposit or permit or aid in the depositing of waste on Township property, except in a receptacle approved by the Township for that purpose.
- 2.4 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 within 72 hours of receipt of said notice.
- 2.5 No person shall refuse or fail to remove any waste in accordance with notice referred to in Section 2.4.

## **3. Remediation**

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- 3.1 Where an owner of property is in default of doing any matter or thing directed or required to be done under this by-law, an Officer may direct the completion and enforcement of such at the owner's expense.
- 3.2 Where any waste is removed in accordance with subsection 3.1, such waste may be immediately disposed of by the Officer in such a manner as the Officer sees fit.
- 3.3 The Township may recover the costs and expense of remedial action and enforcement incurred by the Township under subsections 3.1 and 3.2 by action, or by adding such costs and expense to the tax roll of the subject property and collecting such costs in the same manner as taxes in accordance with section 446 of the Municipal Act.
- 3.4 The Township may invoice owners requesting voluntary payment of said remedial action costs prior to recovering the costs incurred in subsection 3.1 and 3.2 pursuant to section 446 of the Municipal Act by adding costs to the Municipal taxes.

#### **4. Enforcement, Powers of Entry, Inspections, Prohibitions**

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- 4.1 An Officer, or any other individual authorized to enforce this by-law on behalf of the Township, may at any reasonable time enter upon any land for the purpose of carrying out an inspection.
- 4.2 Where an inspection is conducted pursuant to this section, the Officer may:
- a) Require the production for inspection of documents or things relevant to the inspection;
  - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
  - c) Require information from any person concerning a matter related to the inspections.
- 4.3 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, or any person lawfully acting in aid of such an Officer.

#### **5. Offences and Penalties**

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- 5.1 Every person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction is liable to a fine pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 5.2 Pursuant to section 429(2) of the Municipal Act, all contraventions of this by-law or orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

#### **6. Severability**

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- 6.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or section or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.
- 6.2 Whenever any reference is made in this by-law to a statute of the Legislature of

the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

**7. Repeal**

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7.1 That By-law 97-127 is hereby repealed.

**8. Force and Effect**

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8.1 This By-law shall take force and effect upon final passage hereof.

**Read a First, Second and Third Time and Finally Passed** this 20<sup>th</sup> day of April, 2022.



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Don Allen, Mayor



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Renée Ainsworth, Clerk

**The Corporation of the Township of Springwater**

**Littering By-law 2022-032**

A By-law to Prohibit the Dumping of Waste on Private or Township Property

**Schedule "A"**

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**Part I Provincial Offences Act**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provisions for Creating or Defining Offence</b>	<b>Set Fine</b>
1	Throw, place, deposit or permit or aid in depositing of waste on any property owned by the Township.	s.2.1	\$250.00
2	Throw, place, deposit or permit or aid in depositing of waste on private property.	s.2.2	\$250.00
3	Refuse or fail to remove any waste upon receipt of said notice	s.2.5	\$250.00
4	Hinder or obstruct the Township, its employees, officers or agents	s.4.3	\$400.00

**Note: The set fines set out in Schedule "A" shall be approved by the Chief Justice before coming into force and effect.**

THE HONOURABLE ESTHER ROSENBERG  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
CENTRAL EAST REGION

50 EAGLE STREET WEST  
NEWMARKET, ONTARIO L3Y 6B1



L'HONORABLE ESTHER ROSENBERG  
JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU CENTRE-EST

50, RUE EAGLE OUEST  
NEWMARKET (ONTARIO) L3Y 6B1  
TELEPHONE/TÉLÉPHONE (905) 853-4890  
FAX/TÉLÉCOPIEUR (905) 853-4891

April 28, 2022

Ms. Sarah Robinson  
2231 Nursery Road  
Minesing, Ontario  
L9X 1A8

Dear Ms. Elliott,

**Re: Set Fines – Part I**  
**Township of Springwater**

Enclosed herewith please find the Order and the schedule of set fines.

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

Please forward a copy of the Order and the schedule of set fines to the POA Court in Barrie.

Yours truly,

A handwritten signature in blue ink that reads "Esther Rosenberg".

Esther Rosenberg  
Regional Senior Justice  
Central East Region

/bmw  
Enclosures

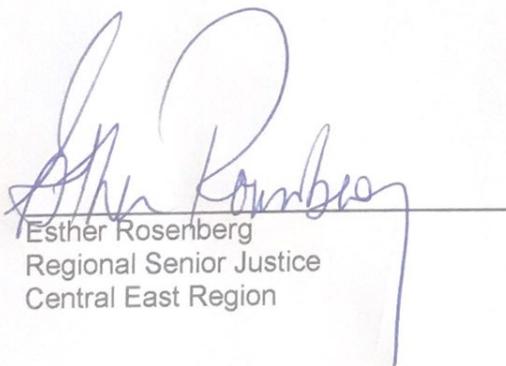
**PROVINCIAL OFFENCES ACT**

**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 attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By Law 2022-032, for the Township of Springwater, attached hereto is the set fine for that offence. This Order is to take effect April 28, 2022.

DATED at Newmarket this 28<sup>th</sup>

day of April, 2022.



Esther Rosenberg  
Regional Senior Justice  
Central East Region

**The Corporation of the Township of Springwater**

**Littering By-law 2022-032**

A By-law to Prohibit the Dumping of Waste on Private or Township Property

Schedule "A"

**Part I Provincial Offences Act Fines**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision for Creating or Defining Offence</b>	<b>Set Fine</b>
1	Throw, place, deposit or permit or aid in depositing of waste on any property owned by the Township.	s.2.1	\$250.00
2	Throw, place, deposit or permit or aid in depositing of waste on private property.	s.2.2	\$250.00
3	Refuse or fail to remove any waste upon receipt of said notice	s.2.5	\$250.00
4	Hinder or obstruct the Township, its employees, officers or agents	s.4.3	\$400.00

Note: the general penalty provision for the offences listed above is section 5.1 of bylaw 2022-032, a certified copy of which has been filed.