THE CORPORATION OF THE TOWNSHIP OF Plummer Additional

BY-LAW #2010-55__
"CLEAN & CLEAR BY-LAW"
(Repeals By-Law 2010-34a & 2010-40)

BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF Plummer Additional TO PROHIBIT THE THROWING, PLACING OR DEPOSITING OF REFUSE OR DEBRIS, WASTE MATERIAL OR WASTES ON PRIVATE PROPERTY OR MUNICIPAL PROPERTY

WHEREAS the Municipal Act, 2001, S.O. c. 25, Section 127, as amended, provides that Councils of local municipalities may pass by-laws for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property;

AND WHEREAS, the Council of the Corporation of the **TOWNSHIP OF Plummer Additional** deems it necessary and expedient and in the public interest to enact a By-law to prohibit littering of private or municipal property for all residential, commercial and industrial uses;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF the TOWNSHIP OF Plummer Additional ENACTS AS FOLLOWS;

1. *Definitions for the purpose of this By-law:*

a) "Commercial or Industrial Waste" means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material.

b) "Heavy pick-up wastes" means weighty or bulky articles such as furniture, bed springs, mattresses, barrels, boxes, water and fuel tanks (empty only) and any other discarded material which would normally accumulate at a dwelling.

c) " Household waste" means ashes, garbage, rubbish, discarded material, clothing, waste paper, broken crockery, glassware, and other such articles as would normally accumulate at a dwelling, but shall not include weighty or bulky articles such as stoves, furniture, barrels,

boxes, trees, discarded truck and automobile parts, tires or batteries, manufacturer's waste, water and fuel tanks, liquid waste, straw, hay and manure, carcass of any dead or live bird, animal feces, natural soil, earth, sand, clay, gravel, stones or other excavated materials and fence wire.

d) "Municipal property" means any property under the jurisdiction of the Municipality.

e) " Municipality" means the Corporation of the **TOWNSHIP OF Plummer Additional**.

f) " Person" means a natural person, unincorporated association or organization, firm, partnership, private club, corporation, agent or trustee and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to the By-law.

g) " Private property" means privately owned property zoned for residential, commercial or industrial use.

h) "Refuse or debris" shall include sand, rock, gravel, grass, weeds, liquids, domestic garbage, trees, asphalt, concrete or pieces thereof or any commercial or industrial waste.

i) "Waste material" includes:

i. garbage, rubbish, discarded building materials, refuse or junk, boulders in excess of 0.028 cubic metres, trees or tree stumps;

ii. tin cans, bottles, boxes or other containers;

iii. derelict or inoperative motor vehicles;

iv. derelict, abandoned or inoperable machinery, appliances and furnishings, both household and commercial;

v. agricultural waste or sewage, or any liquid waste accumulated from home or place of business;

vi. animal carcasses.

j) " Waste" shall mean any or all of the definitions of this section for the purposes of this By-law, including heavy pick-up wastes, household wastes, refuse or debris and waste material.

2. <u>Offences</u>

2.1 No owner shall allow or permit the creation, presence or existence of any refuse or debris, waste material or wastes in or upon any yards, vacant lots, grounds or buildings which such owner owns, rents, occupies or has an interest, whether such interest is legal or equitable.

2.2 No person shall throw, place or deposit any refuse or debris, waste material or wastes on private property or on the property of the municipality or any local board thereof without the authority from the owner or occupant of such property.

3. Removal

Every owner, lessee or occupant shall cover over or remove any garbage, refuse, domestic waste of any kind or industrial waste of any kind in such a manner as may be prescribed in writing by the by-law enforcement Officer, or other person appointed for the purpose of enforcing this By-law.

4. Notice unauthorized dumping in municipal property containers

The municipality shall post notices that unauthorized dumping in a container or dumpster placed on municipal property is prohibited in accordance with this By-law.

5. Inspections

5.1 The By-law Enforcement Officer, or other person appointed for the purpose of enforcing this By-law;
a) has the power to enter upon and examine any yards, vacant lots, grounds or buildings, other than a dwelling, at any reasonable time or times, and
b)may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this By-law.

5.2 Every owner, lessee or occupant shall permit the By-law Enforcement Officer, or other person appointed for the purpose of enforcing this By-law to inspect the land or structure for the purpose of subsection 5.1

6. Other Legislation

If this By-law conflicts with the provisions of any other or By-law of the Township of Plummer Additional, the provisions of that By-law prevail to the extent of the conflict.

This by-law has no overriding jurisdiction to any Provincial Act i.e. Nutrient Management Act, Farming and Food Production Protection Act (FFPPA).

7. **Validity and Severability**

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 provision of this By-law or of the By-law as a whole.

8. Penalty

8.1 Every person who contravenes any provision of this By-law is guilty of an offence on conviction is liable to fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33 and/or as set out in Schedule "A", attached hereto and forming part of this by-law. Such matter or thing shall be done at the person's expense and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in same manner as municipal taxes.

9. Short Title

This By-law shall be cited as the Clean and Clear By-law.

10. Force and Effect

By-Law 2010-34a & 2010-40 are here by repealed.
This By-law shall come into full force and effect upon the day of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20th DAY OF October, 2010.

MAYOR – Beth West

CLERK – Vicky Goertzen-Cooke

Schedule "A" to By-Law 2010-55

Township of Plummer Additional
Part 1 Provincial Offences Act
By-law No. 2010-55: Clean & Clear

ITEM	COLUMN 1 short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set fine
1	Failure to keep land clean	s. 2.1	$105.00
2	Unauthorized disposal of waste material on municipal government lands	s. 2.2	$105.00
3	Failure to cover over or remove waste material as directed	s. 3	$105.00
4	Failure to permit inspection of lands	s. 5.2	$105.00

NOTE: the general penalty provision for the offences listed above is section 8.1 of by-law 2010-55, a certified copy of which has been filed.

SCHEDULE "B" TO
BY-LAW #2010-_55__
Yard By-law

CLEAN & CLEAR

Complaint #: _____ Date:_____

Reported by:

_____

Address:

_____

Phone #: _____

I have a concern about the following property- Civic Address:

_____

_____

Owner:

_____

The following are my concerns:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Signature:_____
Received by:_____

Referred to:_____

~~~~~~

OFFICE USE ONLY:
Inspection Date: ______________________________

Conditions Found:
____
____
____
____
____
____
____
____

Actions taken:_______________________________________
Letters of Violation Sent: ____
Compliance Achieved Date: ____
Comments:
____
____
____
____
____
____
____

Personal information contained on this form is collected pursuant to Freedom of Information and Protection of Privacy legislation and will be used for the purpose of complaint investigation and resolution. Questions about this collection should be directed to the Plummer Additional Township Office located at 38 Railway Cres, RR # 2, Bruce Mines ON P0R 1C0 Tel: 705-785-3479
~~~~~~