

**MUNICIPALITY OF SOUTHWEST MIDDLESEX  
BY-LAW NO. 2018/026**

**BEING A BY-LAW PROHIBITING THE DEPOSITING OF REFUSE OR DEBRIS ON  
PRIVATE OR MUNICIPAL PROPERTY WITHIN THE MUNICIPALITY OF  
SOUTHWEST MIDDLESEX**

**WHEREAS** the *Municipal Act, 2001*, Chapter 25 Sections 9, 10, 11 and 127 authorizes the Council of a Municipality to pass by-laws to prohibit the depositing of refuse or debris on land without the clear consent of the owner or occupant of the land, to require the owner or occupant to clear refuse or debris from the land, not including buildings, to regulate when and how this shall be done and to define "refuse" for the purpose of this by-law; and

**WHEREAS** the Corporation of the Municipality of Southwest Middlesex deems it necessary and expedient to enact a by-law prohibiting or regulating the littering of refuse or debris;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Southwest Middlesex enacts as follows:

1. DEFINITIONS:

For the purposes of this by-law:

**"Person"** means any human being, association, partnership, private club, incorporated company, corporation, agent or trustee and their heirs, executors or other legal representatives to whom the context can apply according to law.

**"Local Board"** means any school board, public utility, commission, library board, or any other board, commission, committee or local authority under any general or specific legislation.

**"Owner"** means the registered owner, occupant, tenant or person in charge or managing a property whether on his or her own account or on account of an agent or trustee or any other person, or any one of the aforesaid.

**"Private property"** means property which is privately owned and is not property of the Municipality of Southwest Middlesex.

**"Property"** means any lands tenements and hereditaments and any estate or interest therein and any right or easement affecting the land.

**"Corporation"** means the Corporation of the Municipality of Southwest Middlesex.

**"Council"** means the Council of the Corporation of the Municipality of Southwest Middlesex.

**“Deposit”** includes drop, throw, dump or randomly place or store or otherwise dispose of.

**“Refuse”** means all manner of objects or waste materials which may be discarded by any person or which may no longer be in use, neglected or reasonably intended to be used by any person having ownership or control over such objects or waste materials and without limiting the generality of the foregoing may include discarded types of vegetable and animal matter subject to decay, household, commercial or industrial waste, common package wrappings, glass, crockery, metal, rags, furniture, appliances, building materials, lumber, clothing, magazines, newspapers, fliers, grass cuttings, tree trimmings, leaves, discarded materials and other similar articles, and garbage and debris shall have a similar meaning.

## **2. General Regulations**

2.1 No person shall throw, place or deposit, or permit to be thrown, placed or deposited by any means any refuse on private property without the written consent of the owner or occupant of the property.

2.2 No person shall throw, place or deposit, or permit to be thrown, placed or deposited by any means, any refuse or debris on property of the Municipality of Southwest Middlesex without written consent of the Municipality of Southwest Middlesex.

2.3 No person shall throw, place or deposit, or permit to be thrown, placed or deposited by any means, any refuse or debris on property of any local Board of the Municipality of Southwest Middlesex without written consent to do so from the local Board.

2.4 The posting of a sign on the property indicating “no littering”, “no dumping”, or any similar wording is deemed to provide sufficient proof for the purpose of this by-law of the lack of written consent on the part of the owner, local board or the Municipality of Southwest Middlesex.

2.5 This by-law shall be enforced by a Police Officer or Municipal Law Enforcement Officer of the Municipality of Southwest Middlesex appointed for the purposes of enforcing the Municipality’s by-laws.

2.6 Every person who contravenes any of the provisions of this by-law is guilty of an offence, and liable, on a first conviction, to a fine as provided for in the Municipal Act 2001.

2.7 Any person who contravenes any provision of this By-law is guilty of an offence and subject to a penalty as specified in the Refuse Set Fine Schedule which forms part of this By-law.

### **3. Enforcement and Administration**

This by-law shall be enforced and administered by:

3.1 By-law Enforcement appointed by the Municipality of Southwest Middlesex; and

3.2 The Ontario Provincial Police

### **4. Penalties**

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 by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33.

4.2 Any expenses for services rendered by the Municipality of Southwest Middlesex in respect to the enforcement of any provisions of this by-law and/or any maintenance needed which was caused by any violation of this by-law shall be borne by the person responsible for creating the infraction.

4.3 Any expenses incurred from section 4.2 shall be recoverable in like manner as municipal taxes.

### **5. Short Title:**

This By-law may be cited as the "Littering By-law".

### **6. Exemptions:**

None of the provisions of this by-law apply to the following:

- a) Dumping at an open municipal landfill site within the Municipality of Southwest Middlesex, or an open transfer station within the Municipality of Southwest Middlesex.
- b) Where, in the normal course of garbage collection, a person deposits refuse or debris on the roadway or on land owned by the municipality to be picked up by the garbage contractor or the Municipality of Southwest Middlesex.
- c) Where, in the course of using land for activities carried on in the field of general agriculture and in areas zoned for that purpose, a person deposits sewer waste as fertilizer, manure, straw, grass clippings or any other plant debris commonly used as compost material.
- d) Where, during the course of construction on a property, construction materials are stored on that property.

### **7. Notice:**

The By-law Enforcement Officer may by notice sent by certified mail require the owner of property within the time specified within the notice:

- a) To clean, clear or remove from the property garbage, refuse and debris;

- b) To stop the throwing, placing or disposing of garbage, refuse and debris on the property

Every notice shall identify the property and be addressed to the owner as shown on the last revised assessment roll.

**8. Entry on Premises:**

A By-law Enforcement Officer may enter at all reasonable times upon any property to ascertain whether the provisions of this by-law are obeyed and to enforce and carry into effect the provisions of this by-law.

**9. Default:**

Where the owner is in default of doing the matter or thing required to be done under this by-law, the By-law Enforcement Officer may have the matter done and cost thereof shall be added to the property tax rolls of the owner and collected in the like manner as municipal taxes.

**10. Validity:**

If any section, clause or provision of this by-law, including anything contained in any schedule attached hereto, is for some reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provisions so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared invalid.

**Read a First and Second Time this 21<sup>st</sup> day of March, 2018**

*Michael Blackmore*  
Mayor

*Bill Chambliss*  
CAO- Clerk

*Asper V. Blackmore*

**Read a Third Time and Finally Passed in Open Council this 28<sup>th</sup> day of March, 2018.**

*Michael Blackmore*  
Mayor

*Bill Chambliss*  
CAO- Clerk

*Asper V. Blackmore*

**Municipality of Southwest Middlesex  
Schedule "A" to By-law No. 2018/026  
PART I PROVINCIAL OFFENCES ACT  
SET FINE SCHEDULE  
LITTERING BY-LAW**

**REFUSE SET FINE SCHEDULE**

<b><u>ITEM</u></b>	<b><u>COLUMN 1</u> Short Form Wording</b>	<b><u>COLUMN 2</u> Provision Creating or Defining Offence</b>	<b><u>COLUMN 3</u> Set Fine</b>
1	Deposit refuse/waste on private property without permission	2.1	\$500
2	Deposit refuse/waste on municipal property without permission	2.2	\$500
3	Deposit refuse/waste on local board property of Municipality of Southwest Middlesex without permission	2.3	\$500

**Note: The general penalty provision for the offences listed above is section 4.1 of By-law No. 2018/026, a certified copy of which has been filed.**