

By-Law 01-26

Being a By-Law to Provide for Maintaining Land in a
Clean and Clear Condition.

WHEREAS s. 210 of the Municipal Act, R.S.O. 1990, Chapter M.34, provides as follows:

210. By-Law may be passed by the Councils of local municipalities;

For requiring and regulating the filling up, draining, cleaning, clearing or any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.

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.

For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

- (a) A by-law under this paragraph,
 - (i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures;
 - (ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants to cease using such land or structures for such purposes, or to cover over any garbage, refuse or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law;
 - (iii) may define industrial or domestic waste.
- (b) A by-law under this paragraph does not apply to the use of any land or structure by a municipality.

130. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

NOW THEREFORE the Council of the Corporation of the Township of Algonquin Highlands enacts as follows:

- 1. In this by-law,
 - (a) "director" means the By-Law Enforcement Officer;
 - (b) "township" means the Corporation of the Township of Algonquin Highlands;
 - (c) "domestic waste" means any article, thing, matter or any effluent belonging to or associated with a household or concerning material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that domestic waste extends to the following classes of waste material:
 - (i) Accumulations, deposits, leavings, litter, remains, rubbish, trash;
 - (ii) Refrigerators, freezers or other appliances, any attached hinges or latching, locking or other closing mechanism or device;
 - (iii) Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - (iv) Inoperative motor vehicles, vehicle parts and accessories;
 - (v) Paper, cartons;
 - (vi) Furniture;
 - (vii) Sewage.
 - (d) "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; and for greater certainty, but not so as to restrict the generality of the foregoing terms of the clause it is hereby declared that industrial waste extends to the following classes of waste material:

- (i) Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consisted of,
 - (a) agricultural, animal, vegetable, paper, lumber or wood products, or
 - (b) mineral, metal or chemical products,whether or not the products are manufactured or otherwise processed;
 - (ii) Automotive parts, inoperative vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanism equipment;
 - (iii) Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing, conduits or cable;
 - (iv) Containers of any size, type or composition;
 - (v) Material resulting from, or as part of, construction or demolition projects;
 - (vi) Rubble, inert fill;
 - (vii) Bones, feathers, hides;
 - (viii) Sewage;
 - (e) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunctions, which prevent its mechanical function and unlicensed for the current year;
 - (f) "inspector" means any person appointed by Council;
 - (g) "owner" means an owner, lessee or occupant;
 - (h) "county" means the Corporation of the County of Haliburton;
 - (i) "waste material" means material of effluent that, in the opinion of the director or an inspector,
 - (i) appears to have been cast aside or discarded or abandoned; or
 - (ii) appears to be worthless or useless or of no practical value; or
 - (iii) appears to be used up, in whole or in part, or expended or worn out in whole or in part.
2. (1) Every owner, lessee or occupant shall keep his grounds, yard, or vacant land filled up, drained, clean or cleared up.
- (2) For the purpose of subsection 2(1), "clean or cleared up" includes the removal of dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition.
3. No person shall throw, place or deposit waste material or domestic or industrial waste on Township property without the written authority of the Township of Algonquin Highlands and, where such property is occupied by a person other than the owner, without also the written authority of the occupant.
4. (1) Except as provided in Section 3 and in subsection 4, every owner, lessee or occupant shall keep this land free and clear of all waste material or domestic or industrial waste of any kind.
- (2) No person shall use any land or structure within the township for dumping or disposing of waste material, or domestic or industrial waste of any kind.

- (3) Subsections 1 and 2 do not apply to:
 - (a) land or structures used by the Township or the County used for the purpose of dumping or disposing of waste material, or domestic or industrial waste,
 - (b) land designated by by-law of the township or the County for the purpose of dumping or disposing of waste material, or domestic or industrial waste.
 - (4) Every owner, lessee or occupant shall cover over any waste material, domestic waste of any kind or industrial waste of any kind in such a manner as may be prescribed by the director or inspector in writing.
5. Except as provided in By-Law 98-08 and 85-7 for the former Townships of Sherborne et al and Stanhope respectively, no person shall use any land or structure in the Township for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.
6.
 - (1) The director or an inspector may, by notice sent by registered post served on the owner, lessee or occupant of the land or structure, require the owner, lessee or occupant within the time specified with the notice,
 - (a) to clean, clear or remove from the land or structure waste material or domestic or industrial waste of any kind;
 - (b) to cease using the land or structure for the dumping or disposing of waste material or domestic or industrial waste of any kind;
 - (c) to cover over, screen, shield or enclose the waste material or the domestic or industrial waste in the manner prescribed by the director or inspector.
 - (2) Every notice sent by the director or an inspector shall identify the land or structure.
 - (3) Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address.
 - (4) Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.
7.
 - (1) The Director or an inspector may inspect at any reasonable time, the use of any land or structure for the purpose of determining whether,
 - (a) the land or structure is used for dumping or disposing of waste material or domestic or industrial waste of any kind;
 - (b) the land or structure is used for the storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
 - (c) the owner, lessee or occupant has complied with any notice sent by the Director or an inspector.
 - (2) Every owner, lessee or occupant shall permit the director to inspect the land or structure for the purpose of subsection 1.
8.
 - (1) Where the owner, lessee or occupant is in default of doing the matter or thing required to be done under this by-law, the director or an inspector may,
 - (a) fill up, drain, clean or clear up the grounds, yard or vacant land;
 - (b) remove waste material or domestic or industrial waste;
 - (c) cover over, screen, shield or enclose waste material or domestic or industrial waste;
 - (d) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.
 - (2) Where any of the matters or things are removed in accordance with subsection 1, the matters or things may be immediately disposed of by the Director or an Inspector.

- (3) The Township shall recover the expense in doing a matter or thing referred to in subsection 1 by action, or in a like manner as municipal taxes.
- 9. The Director may review and amend or change any notice or action made by an inspector under this by-law.
- 10. Every owner, lessee or occupant who contravenes any provision of this by-law shall be liable upon conviction to a fine as provided in Sec. 61 of the Provincial Offences Act R.S.O. 1990 and all amendments thereto.
- 11. 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 the section shall not be construed as having persuaded or having 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.
- 12. The provisions of this by-law may be enforced pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990 and all amendments thereto, and where any provision of this by-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty imposed by the by-law, the Court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted pursuant to the provisions of the Section 327 of the Municipal Act, R.S.O. 1990, and all amendments thereto.
- 13. This by-law shall come into force and have effect on the date of final passing thereof.
- 14. The short title of this by-law is the Waste Materials By-Law, 2001.

READ A FIRST, SECOND and THIRD time, passed, signed and sealed with the seal of the Corporation this 7th day of June, 2001.

Seal

Eleanor Harrison - Reeve

Gerald Bain - Clerk