

# **The Corporation of the Municipality of Highlands East**

## **By-Law 24-2004 “ Clean & Clear By-law”**

Being a By-law of the Corporation of the Municipality of Highlands East 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 Municipality of Highlands East 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 MUNICIPALITY OF HIGHLANDS EAST 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 accumulated 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, mattresses, 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 Municipality of Highlands East.
- 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.

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- 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. Offences

- 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

Where the property owner or municipal authorities are required to remove any refuse or debris, waste material or wastes deposited on their property, the full costs of such removal shall be recoverable from the person responsible or the property owner responsible for such littering or discarding.

### 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.

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**5. Inspections**

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.

**6. Other Legislation**

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

**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**

Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty not exceeding \$ 5,000.00 exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990,c.P.33, as amended, shall apply to the said fine. 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**

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 8<sup>th</sup> day of June, 2004

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CAO / Clerk Treasurer

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Reeve

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