

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

By-law 2003-101

Being a by-law to regulate the dumping, disposing and removing of refuse, debris, litter and other waste materials on lands within the Municipality of Clarington

WHEREAS section 127 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that local municipalities may pass by-laws to clean and clear lands of refuse and debris and may prohibit the depositing of refuse and debris on land without the consent of the owner or occupant of the land;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON ENACTS AS FOLLOWS:

1. In this By-law the following definitions shall apply:

“Costs” shall mean the actual cost of labour and materials incurred by the Municipality to clean and clear up a property pursuant to a direction issued by an Officer. Such costs shall include an administrative fee of 10% added to the invoiced cost.

“Litter” shall include but is not limited to scrap paper, bottles, cans, plastic or other containers, food containers and wrappers, paper and plastic bags.

“Municipality” means the Municipality of Clarington.

“Officer” means a Municipal Law Enforcement Officer of the Corporation of the Municipality of Clarington.

“Refuse” includes any garbage, debris, waste material or effluent that in the opinion of the officer,

I. Appears to have been cast aside, discarded or abandoned; or

II. Appears to be worthless, 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.

2.0 No person shall, throw, place or deposit refuse or litter on private property within the Municipality.

2.1 No person shall throw, place or deposit refuse or litter on Municipal property.

2.2 No person shall throw, place or deposit refuse or litter on a public road allowance within the Municipality.

2.3 Notwithstanding Section 2.2 an owner/occupant of a premise may place refuse and recycling on public road allowance, out front of said premise, for municipal refuse collection provided it is not placed out any earlier than 6:00 p.m. on the day preceding collection day.

3.0 No person shall use any land or structures within the Municipality for the dumping, disposing or storage of any refuse or litter.

3.1 Every owner, lessee or occupant of property located within the Municipality shall clean and keep his land clear of all refuse and litter of every kind.

- 3.2 No person shall leave any items not picked up by the municipal garbage collection contractor on the public road allowance any later than 12:00 noon on the day following the refuse collection day.
- 4.0 Upon receipt of a written complaint an officer may enter upon land at any reasonable time to inspect the land to determine whether the provisions of the by-law are being complied with.
- 4.1 Upon inspection of a contravention of this by-law an officer may direct the refuse or litter to be removed in a time and manner as specified by the officer.
- 4.2 Where a person has thrown, placed or deposited refuse or litter on any property, the Officer may order the person to remove and properly dispose of the material in a manner as directed by the Officer.
- 4.3 Where a person fails to remove any refuse or litter as directed by the Officer, the Municipality and its agents may, in addition to any other penalty, enter upon the land in question, at any reasonable time and remove and dispose of the refuse.
- 4.4 In performing any work as required to bring the property into compliance, the Municipality and its agents shall not be liable to compensate such owner, lessee, occupant or other person having interest in the property by reason of anything done by or on behalf of the Municipality under the authority of this by-law.
- 4.5 The Municipality may recover the costs incurred for all work done pursuant to the direction of an officer issued under section 4.1 by action or by adding the costs to the tax roll and collecting the amount in the same manner as taxes.
- 5.0 If any section of this by-law is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
- 6.0 Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction be liable to punishment as provided under the *Provincial Offences Act*.

By-law read a first and second time this 23rd day of June 2003.

By-law read a third time and finally passed this 23rd day of June 2003.

ORIGINAL SIGNED BY THE MAYOR
Mayor

ORIGINAL SIGNED BY THE CLERK
Municipal Clerk