

THE CORPORATION OF THE TOWN OF BRUCE MINES

**BY-LAW #2010-37
“CLEAN & CLEAR BY-LAW”**

**BEING A BY-LAW OF THE CORPORATION OF
THE TOWN OF BRUCE MINES 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 Town of Bruce Mines 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 TOWN OF BRUCE MINES 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, 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 Town of Bruce Mines.
- 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. 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

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 Town of Bruce Mines, 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

8.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33 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. Repeals

This By-law repeals By-law #2010-17.

11. 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 12TH
DAY OF JULY, 2010.**

MAYOR - Darren Foster

CLERK - Donna Brunke

**Town of Bruce Mines
Part 1 Provincial Offences Act
By-law No. 2010-37: Clean & Clear**

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<u>ITEM</u>	<u>COLUMN 1</u> Short form wording	<u>COLUMN 2</u> Provision creating or defining offence	<u>COLUMN 3</u> 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 of by-law 2010-37, a certified copy of which has been filed.