



MUNICIPALITY OF NORTH MIDDLESEX

BY-LAW No. 27 of 2020

BEING A BY-LAW PROHIBITING THE THROWING, PLACING, LITTERING, DEPOSITING OR DUMPING OF REFUSE AND DEBRIS ON ANY LANDS, ROADWAY OR BRIDGE WITHIN THE MUNICIPALITY OF NORTH MIDDLESEX.

WHEREAS the Municipal Act R.S.O. 2001, Chapter 25 Sections 8, 9, 11, 27 and 28 authorizes the Council of a Municipality to pass by-laws governing highways and bridges within its jurisdiction.

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

1. **DEFINITIONS:**

For the purposes of this by-law:

"Construction and Demolition Wastes" means waste building materials and rubble resulting from construction, remodeling, repair, demolition, or fire in houses, commercial buildings, pavements and other structures

"Corporation" means the Corporation of the Municipality of North Middlesex.

"Council" means the Council of the Municipality of North Middlesex.

"Deposit" includes drop, throw, dump or randomly place or store or otherwise dispose of.

"Garbage" means animal and vegetable waste, including food packaging material with residual food materials, resulting from the handling, preparation, cooking and serving of foods in households, institutions and commercial concerns; and market wastes resulting from the handling, storage and selling of foods in wholesale and retail stores and markets.

"Material" shall mean gravel, sand, asphalt or any material, including signs, barricades, delineators used for the maintenance of Municipal Roadways.

"Municipality" means the Municipality of North Middlesex

"Municipal Law Enforcement Officer" shall mean a person or designate appointed by Council for enforcing the by-laws of the municipality.

"Municipal Property" means any land situated within the Municipality which is owned or controlled by the Corporation by lease or otherwise.

"Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

"Public Area" means any area owned or operated by private or public interests, but excluding those areas referred to as a Public Place, that is used or held out for the use by the public, including but not limited to, school grounds, parking lots, and the necessary passage ways thereon, roadways and pedestrian ways on private property.

"Public Place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings which are owned by or under the control and jurisdiction of the Municipality of North Middlesex.

"Refuse and Debris" shall mean rubbish, filth, garbage, mud or waste matter of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture and household effects, inoperative mechanical equipment, inoperative vehicles and motor vehicle parts and accessories, abandoned or unattended shopping carts, kitchen wastes, lumber, packing materials, street cleanings, containers, packages, bottles, cans or parts thereof, and any deserted or discarded article, product or goods of manufacture paper, soil, soot, grass clippings, tree trimmings and prunings, garden waste, stumps, branches, automobile tires, used oil and automobile parts.

"Roadway" includes any road, bridge, street, land or similar thoroughfare and includes such parts thereof commonly known as roadways, curbs, ditches, sidewalks, median strips, boulevards, islands and associated sewer, catch basin, water courses and retaining walls.

"Superintendent" means the Superintendent of Public Works or his/her designate of the Municipality of North Middlesex.

2. GENERAL PROVISIONS:

- a) No person shall dump, deposit, drop, throw, discard or leave, or cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of garbage, refuse and/or debris, construction or demolition wastes, upon any public place or public area

or upon private property or upon or into any body of water without the written consent of the owner of the property.

- b) No person shall dump, deposit, drop, throw, discard or leave, or cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of garbage, refuse and/or debris, construction or demolition wastes on any roadway within the Municipality without the written consent of the Corporation.
- c) No person shall throw, place or deposit sand, gravel, asphalt, brush, timber, bark on any roadway within the Municipality, except without written authorization by the Superintendent.
- d) No person shall throw, place or deposit snow, or permit snow to be placed or deposited on any roadway within the Municipality.
- e) No person shall clear away or remove snow from a municipal roadway, except as may be necessary to clear away snow blocking access to a private entrance or driveway, except as authorized by the Superintendent.
- f) No person shall move snow within the road allowance from one side of the road allowance intended for vehicular and pedestrian traffic, to the other side of the road allowance.
- g) Every person having placed or deposited snow or permitted snow to be placed or deposited on a municipal roadway shall remove said snow from the roadway.
- h) No person shall remove any material from any roadway within the Municipality, except as authorized by the Superintendent.

3. **DEBRIS AND REFUSE ON PRIVATE PROPERTY:**

Persons owning or occupying private property shall ensure that garbage, debris and refuse does not accumulate upon that property in such a manner as to be unsightly.

4. **SPREADING OF DEBRIS AND REFUSE:**

Persons owning or occupying private property shall ensure that no garbage, debris and refuse blows or is otherwise carried from that property onto a public place, public area or other private property.

5. **REMOVAL OF REFUSE AND DEBRIS:**

Where on any grounds, yard or vacant lot or property there is garbage, refuse and debris, the owner shall move such garbage, refuse and debris from the land so that the land is left in clean condition.

6. EXEMPTIONS:

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

- a) North Middlesex Transfer Station, located at 395 Victoria Street, Parkhill
- b) Where, in the normal course of garbage collection, a person deposits refuse or debris on a roadway or on land owned by the municipality to be picked up by the garbage contractor or the Municipality of North 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 Municipal Law Enforcement Officer may by notice sent by certified mail and or posting on the property 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 Municipal Law Enforcement Officer may enter at all reasonable time 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. ADMINISTRATION:

The Municipal Law Enforcement Officer and/or the Superintendent and their designates shall have the authority to administer this by-law in its entirety.

10. **PENALTIES:**

- a) 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.
- b) Any expenses for services rendered by the Municipality of North Middlesex in respect to enforcing 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.
- c) Any expenses incurred from Section 10 Subsection ii, shall be recoverable in like manner as municipal taxes.

11. **DEFAULT:**

Where the owner is in default of doing the matter of thing required to be done under this by-law, the Municipal 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.

12. **SHORT TITLE:**

This By-law may be cited as the "Debris and Anti-Littering" by-law.

13. **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 to be declared invalid.

14. **REPEAL OF PREVIOUS BY-LAW**


That By-law #14 of 2007 be repealed upon final approval of this By-law

READ a first and second time this ^{16th} 18TH day of March, 2020.

READ a third time and finally passed this ^{16th} 18th day of March, 2020.



Mayor



Clerk

**MUNICIPALITY OF NORTH MIDDLESEX
PART I PROVINCIAL OFFENCES ACT
BY-LAW 27 of 2020: Debris and Anti-Littering By-law**

Recoverable under the *Provincial Offences Act* R.S.O., 1990, Chap.P.33

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Depositing waste on private or public property without consent	Section 2(a)	\$250.00
2	Depositing waste on public roadway without consent	Section 2(b)	\$350.00
3	Depositing sand, gravel or asphalt on roadway without consent	Section 2(c)	\$350.00
4	Depositing of snow on municipal roadway	Section 2(d)	\$350.00
5	Removal of snow from municipal roadway without consent	Section 2(e)	\$350.00
6	Removal of snow from road allowance	Section 2(f)	\$250.00
7	Failure to remove snow from municipal roadway	Section 2 (g)	\$350.00
8	Removal of any material from roadway without consent	Section 2(h)	\$350.00
9	Failure to clear property of debris	Section 3	\$250.00
10	Failure to ensure no garbage blows from private property onto other property	Section 4	\$250.00
11	Failure to keep land clean and cleared	Section 5	\$250.00

NOTE: The penalty provision for the offences indicated above is Section 10 of by-law 27 of 2020, a certified copy of which has been filed.

**MUNICIPALITY OF NORTH MIDDLESEX
PART I PROVINCIAL OFFENCES ACT
BY-LAW 27 of 2020: Debris and Anti-Littering By-law**

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5	Removal of snow from municipal roadway without consent	Section 2(e)	
6	Removal of snow from road allowance	Section 2(f)	
7	Failure to remove snow from municipal roadway	Section 2 (g)	
8	Removal of any material from roadway without consent	Section 2(h)	
9	Failure to clear property of debris	Section 3	
10	Failure to ensure no garbage blows from private property onto other property	Section 4	
11	Failure to keep land clean and cleared	Section 5	

NOTE: The penalty provision for the offences indicated above is Section 10 of by-law 27 of 2020, a certified copy of which has been filed

May 22, 2020

Devyani Anandjit
Crown Counsel
Ministry of the Attorney General
Crow Law Office – Criminal
720 Bay street, 10th Floor
Toronto, Ontario
M7A 2S9

Re: By-law 27 of 2020 – Debris and Anti-Littering (Amended)

Please find attached the above noted By-law for which I am seeking approval for an increase to all the set fines.

I have provided a signed certified copy of the fully passed by-law. Also attached is a stand-alone copy of the set fine schedule with set fines as well as a copy of the schedule without the set fines.

I look forward to receiving your approval at your earliest convenience.

Yours truly,



Jackie Tiedeman, Clerk
Municipality of North Middlesex

Email: jackiet@northmiddlesex.on.ca
(519) 294-6244 ext.224

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

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LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

June 26, 2020

Jackie Tiedeman
Municipality of North Middlesex
229 Parkhill Main Street, PO Box 9
Parkhill, ON N0M 2K0

Dear Ms. Tiedeman:

Re: Set Fines - Provincial Offences Act - Part I
By-law Number 27 of 2020, Municipality of North Middlesex

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in London together with a copy of the By-law.

Yours truly,


Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/mg

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 27 of 2020, of the Municipality of North Middlesex, attached hereto are the set fines for those offences. This Order is to take effect June 26, 2020.

Dated at London this 26th day of June, 2020.



Jeanine E. LeRoy
Regional Senior Justice
West Region