

THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH

By-Law Number 2020-06

Being a by-law to prohibit the throwing, placing or depositing of refuse or debris on private property or on property of the Township without authority from the owner or occupant of such property

Whereas the *Municipal Act S.O. 2001, C.25*, Section 8 as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance a municipality's ability to respond to municipal issues; and

Whereas Section 425, Section 426 and Section 429 of the *Municipal Act S.O. 2001, C.25*, as amended, authorizes that a municipality may, in a by-law prohibiting or regulating any matter, provide that persons who contravene the by-law are guilty of an offence and liable to a fine; and

Whereas Section 127 of the *Municipal Act S.O. 2001, C. 25*, as amended, permits councils of local municipalities to pass by-laws prohibiting the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and

Whereas Section 180 of the *Highway Traffic Act R.S.O. 1990, c. H.8, s. 180*. provides that every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway;

NOW THEREFORE the Council of the Corporation of the Township of Chatsworth hereby enacts as follows:

1.0 Definitions

Corporation means The Corporation of the Township of Chatsworth;

Domestic Waste includes household garbage, vegetables, fruits, furniture, clothing, household effects, wet and dry sewage;

Highway includes a common and public highway, street, avenue, driveway, bridge, or road allowance designed or intended for, or used by, the general public for the passage of vehicles or persons and includes any surface, grassed area, boulevard, ditch, curb, gutter and/or sidewalk.

Owner includes the registered owner, occupant, tenant, person for the time being managing or receiving the rent of the property whether on his or her own account or on account of an agent or trustee of any other person, or any one of the aforesaid;

Private Property means property which is privately owned;

Property means lands, tenements and hereditaments and any estate or interest therein and any right or easement affecting the land;

Refuse or Debris includes but is not limited to garbage, ashes, rubbish, appliances, furniture, earth or rock fill, carcass of dead animal, builder's and building contractors refuse, other industrial waste, inoperative vehicles and motor vehicle parts and accessories;

Township means the geographic entity of the Township of Chatsworth;

Township Property means any land situated within the Township which is owned by the Corporation or controlled by the Corporation by lease or otherwise;


2.0 No person shall throw, place or deposit refuse, debris or domestic waste upon private property without the consent of the owner of the property.

3.0 No person shall throw, place or deposit refuse, debris or domestic waste on Township property without the written consent of the Corporation.

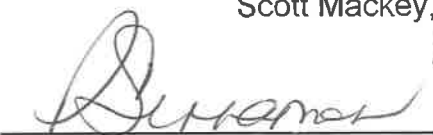
- 4.0** No person shall throw, place or deposit refuse, debris or domestic waste on a highway within the Township except when placed out for curbside garbage collection.
- 5.0** This by-law shall be enforced by a police officer, municipal law enforcement officer or an officer appointed for the purposes of enforcing this by-law.
- 6.0** Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*. R.S.O.1990, as amended.

Read a first and second time this 15th day of January, 2020

Read a third time, and finally passed this 15th day of January, 2020



Scott Mackey, Mayor



Patty Sinnamon, CAO Clerk

Schedule "A" to By-law 2020- 06

**Part 1 Provincial Offences Act
Short Form Wording and Set Fines**

Item	Short Form Wording	Offence Section	Set Fine
1	Illegal Dumping - Private Property	2.0	\$500.00
2	Illegal Dumping – Municipal Property	3.0	\$500.00
3	Illegal Dumping – Highway	4.0	\$500.00

NOTE:

The general penalty provision for the offences listed above is Section 6.0 of By-law 2020-06, a certified copy of which has been filed.

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

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

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

April 16, 2020

Ms. Devyani Anandjit
Ministry of the Attorney General
Crown Law Office – Criminal
720 Bay Street, 10th Floor
Toronto, ON, M7A 2S9

Dear Ms. Anandjit:

**Re: Set Fines - Provincial Offences Act - Part I
Township of Chatsworth By-law Number 2020- 06: Refuse**

Please find enclosed a copy of the above Order, and a copy of a letter to the municipality as referenced above.

Should you have any questions or concerns, please do not hesitate to contact me at (519) 660-2293.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kendra Tracey', with a long horizontal flourish extending to the right.

Kendra Tracey
Manager, Regional Judicial Support
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. 2020-06, of the Township of Chatsworth, attached hereto are the set fines for those offences. This Order is to take effect April 16, 2020.

Dated at London this 16th day of April, 2020.



Jeanine E. LeRoy
Regional Senior Justice
West Region

THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH

Schedule "A" to By-law 2020- 06: Refuse

**Part 1 Provincial Offences Act
Short Form Wording and Set Fines**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Illegal Dumping - Private Property	2.0	\$500.00
2	Illegal Dumping – Municipal Property	3.0	\$500.00
3	Illegal Dumping – Highway	4.0	\$500.00

NOTE

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April 16, 2020

Carolyn Vlieland-Marx
Deputy Clerk
Township of Chatsworth
316837 Highway 6, RR1
Chatsworth, ON N0H 1G0

Dear Ms. Vlieland-Marx:

**Re: Set Fines - Provincial Offences Act - Part I
Township of Chatsworth By-law Number 2020- 06: Refuse**

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 Owen Sound together with a copy of the By-law.

Yours truly,


Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/mg