

Being a By-Law to prohibit the depositing of refuse or debris on land, within the Township, without the consent of the property owner or occupant of the land.

WHEREAS Section 127 of the Municipal Act, S.O. 2001, as amended, provides that the council of all municipalities may pass by-laws for prohibiting and depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS it is deemed expedient and in the interest of the municipality to enact such a by-law for the protection of the environment and lands within the municipality;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Greater Madawaska enacts as follows:

SECTION 1 – SHORT TITLE

1.1. This By-law may be cited as the “Refuse By-Law”.

SECTION 2- DEFINITIONS

2.1 In this by-law:

- (a) **“By-Law Enforcement Officer”** means a person appointed by law as a By-Law Enforcement Officer.
- (b) **“Council”** means the council of the Corporation of the Township of Greater Madawaska.
- (c) **“Domestic Garbage”** means any article, thing, matter or effluent that is or appears to be waste material and shall include but is not limited to:
 - i) ashes and dirt;
 - ii) crockery and glass;
 - iii) furnaces, water tanks, fuel tanks and includes their component parts;
 - iv) furniture;
 - v) paper and cardboard materials; and
 - vi) refrigerators, freezers or other appliances.
- (d) **“Deposit”** means to throw, place or set down.
- (e) **“Highway”** means a common and public highway as defined in the Highway Traffic Act.
- (f) **“Land”** means any and all lands, both private and public, within the Township of greater Madawaska and includes highways, bridges, culverts, ditches and parks.
- (g) **“Municipality”** means the Corporation of the Township of Greater Madawaska.
- (h) **“Person”** means an individual, business or corporate entity.
- (i) **“Police Officer”** means a Police Constable of the Ontario Provincial Police.

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- (j) **“Refuse”** or **“Debris”** includes but is not limited to:
 - i) garbage;
 - ii) materials recovered through municipal recycling programs

- iii) rubbish;
 - iv) builders and building contractors materials;
 - v) industrial waste;
 - vi) inoperative vehicles, and motor vehicle parts and accessories including tires;
 - vii) human waste or secretions;
 - viii) material or effluent that appears to have been cast aside or discarded or abandoned;
 - ix) material or effluent that appears to be worthless or useless or of not practical value;
 - x) material or effluent that appears to be used up, in whole or part, or expended or worn out in whole or part, or expended or worn out in whole or part; and
 - xi) snow and ice.
- (k) "Township" means the Corporation of the Township of Greater Madawaska.

SECTION 3 – GENERAL PROHIBITIONS

- 3.1 No person shall knowingly or unknowingly, throw, place or deposit refuse or debris on any Land, within the limits of the Township of Greater Madawaska, without the written consent of the owner or occupant of the Land.
- 3.2 No person shall knowingly or unknowingly permit or cause to permit any person to deposit refuse or debris on any Land, within the limits of the Township of Greater Madawaska, without the written consent of the owner or occupant of the Land.
- 3.3 No person shall knowingly or unknowingly deposit refuse or debris on any Highway, or bridge within the Township of Greater Madawaska.
- 3.4 No person shall knowingly or unknowingly permit or cause to permit any person to deposit refuse or debris on any Highway or bridge within the Township of Greater Madawaska.
- 3.5 No person shall knowingly or unknowingly obstruct any ditch or culvert upon any Highway within the Township of Greater Madawaska by depositing refuse or debris into any ditch or culvert.
- 3.6 No person shall knowingly or unknowingly permit or cause to permit any person to obstruct any ditch, culvert upon any Highway within the Township of Greater Madawaska by depositing refuse or debris into any ditch or culvert.
- 3.7 No person shall, knowingly or unknowingly obstruct, encumber, injure or foul a Highway or bridge within the Township of Greater Madawaska.
- 3.8 No person shall knowingly or unknowingly permit or cause to permit any person to obstruct, encumber, injure or foul any Highway or bridge within the Township of Greater Madawaska.
- 3.9 Without limiting the generality of section 3.7 and 3.8, every person shall take all necessary steps to prevent material, waste or soil from being spilled or tracked onto the Highways by vehicles delivering materials to or removing

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materials from Lands during the course of the erection, alteration, repair or demolition of any building thereon and, in addition to any penalty otherwise provided by law, the owner or occupant of such lands shall be responsible to the Township for the cost of removing such building material, waste or soil.

SECTION 4 - ADMINISTRATION AND ENFORCEMENT

- 4.1 Every person shall comply with any lawful order or direction of a Police Officer or Provincial Offences Officer.
- 4.2 The By-law Enforcement Officer of the Municipality shall have the duty of enforcing the provisions of this By-law.

SECTION 5 – PENALTIES

- 5.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O.1990, c. P 33, as amended.

SECTION 6 – SCHEDULES

- 6.1 Schedule “A” (short form wording) attached hereto does form part of this By-law.

SECTION 7 – SEVERABILITY

- 7.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

SECTION 8 – EFFECTIVE DATE

- 8.1 This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS SIXTEENTH DAY OF OCTOBER, 2008.

READ A THIRD TIME AND PASSED THIS SIXTEENTH DAY OF OCTOBER, 2008.

Peter R. Emon, Reeve

Maureen Brennan CAO/Clerk Treasurer

SCHEDULE “A”

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

(Being a By-law for the prohibition of the depositing of refuse or debris on land within the Township)

Section	Offence	Set Fine
3.1	Deposit refuse on Land without consent	\$500.00

3.2	Permit or cause to permit the depositing of refuse on Land without consent.	\$500.00
3.3	Deposit of refuse on Highway or bridge.	\$500.00
3.4	Permit or cause to permit the depositing of refuse on highway or bridge.	\$500.00
3.5	Obstruct ditch or culvert	\$500.00
3.6	Permit or cause to permit the obstruction of a ditch or culvert	\$500.00
3.7	Foul Highway or bridge.	\$500.00
3.8	Permit or cause to permit the fouling of a Highway or bridge.	\$500.00