

THE CORPORATION OF THE TOWNSHIP OF BILLINGS

BY-LAW 2020-30

Being a bylaw to prohibit the dumping of waste or littering on municipal or private property in the Township of Billings

WHEREAS the *Municipal Act, 2001 S.O., c. 25* section 8 provides that the powers of the municipality shall be interpreted broadly 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 127 of *The Municipal Act, 2001 S.O. c. 25* provides the municipality with the power to prohibit 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* states that every person who throws or deposits or causes to be deposited any glass, nails, tacks or 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; and

WHEREAS the Council for the Corporation of the Township of Billings deems that every person shall be responsible for properly disposing of any refuse or litter in receptacles provided for that purpose;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BILLINGS HEREBY ENACTS AS FOLLOWS:

1.0 DEFINITIONS

- 1.1 "Animal" means any live animals or birds or carcasses or parts thereof of any animal or other creature.
- 1.2 "Bylaw Enforcement Officer" means a person(s) appointed to the position by Council for the purpose of enforcing bylaws.
- 1.3 "Council" means the Council for the Corporation of the Township of Billings.
- 1.4 "Highway" means as *defined* by the *Highway Traffic Act R.S.O. 1990, c. H.8*.
- 1.5 "Landfill Site" means the landfill site owned and operated by the Township of Billings.
- 1.6 "Litter" means trash, such as paper, cans, bottles, cigarette butts or personal item that is left lying in an open area and not put into a receptacle provided for that purpose
- 1.7 "Non-Resident" means a person who is not an owner or tenant of real property within the Township of Billings.
- 1.8 "Occupant" means any owner, occupant, lessee, tenant or any person having use, occupation and/or charge of any dwelling, apartment, townhouse, or any portion thereof any other premises.
- 1.9 "Owner" means the occupant of property and also includes any person managing or receiving from land or premises either acting as a proprietor by way of legal title or by right of possession or by acting as an agent or trustee. Owner shall include a lessee of property under terms of the lease is required to repair and maintain the property.
- 1.10 "Park" means trails, pathways, beach areas, boat launch areas, marina playgrounds, sports fields, multi-purpose courts, dog parks, picnic shelters or any other Township Property that is used for passive recreational purposes.
- 1.11 "Person" means any firm, corporation, partnership, individual or association.

- 1.12 "Property" means any yards, grounds or vacant lots.
- 1.13 "Refuse" means waste, junk or disused material of any kind whatsoever, and without limiting the generality of the foregoing, wet and dry sewage sludge, contents of privy vaults, cesspools and holding tanks for human excrement, paper, handbills, inoperative motor vehicles, appliances, carcasses of any dead animal, disused furniture, old clothing, garden refuse, earth or rockfill, old or decayed lumber, construction materials, machinery or equipment.
- 1.14 "Township" means the Township of Billings.
- 1.15 "Waste" refer to the definition of Refuse.

2.0 PROHIBITIONS

- 2.1 No Person shall throw, place, dump or deposit any Refuse on Township Property or on any private Property within the Township.
- 2.2 No Person shall throw, place, dump or deposit any Litter on Township Property or on any private Property within the Township.
- 2.3 No Person shall enter onto the Landfill Site to throw, place, dump or deposit any Litter or Refuse while the Landfill Site is unattended or closed without authorization from the Township.
- 2.4 No Person shall throw, place, dump or deposit any Litter or Refuse at the entrance to the Landfill Site at any time without authorization from the Township.
- 2.5 No Person shall throw, place, dump or deposit any Litter in any Park area within the Township.
- 2.6 No Person who is a Non-Resident shall use the Township Landfill Site to dispose of Refuse or Waste.
- 2.7 No Person shall dispose of Refuse or Waste that has been generated outside of the Township.

3.0 ENFORCEMENT

- 3.1 This by-law will be enforced by the Township Bylaw Enforcement Officer or designate.
- 3.2 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 *Provincial Offences Act, R.S.O. 1990, c. P. 33* as amended (see Schedule 'A').
- 3.3 No Person shall obstruct or hinder, or attempt to obstruct or hinder an officer exercising a power or performing a duty under this by-law.

4.0 SEVERABILITY

- 4.1 If any provision or part of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative in whole or in part in particular circumstances, the balance of the by-law or its application in other circumstances, shall not be affected and shall continue to be in full force or effect.

5.0 SHORT TITLE/REPEAL

5.1 This by-law will be shall be known as and be cited as the Illegal Dumping/Littering By-law.

5.2 Township of Billings by-law 91-14 is hereby repealed.

6.0 ENACTMENT

6.1 This by-law shall come into force upon the final passing thereof.

Read for the first, second and third time and enacted this 4th day of August, 2020.



Ian Anderson, Mayor



Kathy McDonald, CAO/Clerk

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BY-LAW 2020-30

Schedule 'A'

Part I Provincial Offences Act

BY-LAW 2020-30: Being a by-law to prohibit the dumping of waste or littering on municipal or private property in the Township of Billings

Item	Short form wording	Provision creating or defining the offence	Set Fine
1	Dump refuse on Township or private property	2.1	\$500.00
2	Littering on Township or private property	2.2	\$500.00
3	Dumping at landfill when closed/unattended.	2.3	\$500.00
4	Dumping outside landfill gates.	2.4	\$500.00
5	Littering in park areas	2.5	\$500.00
6	Non-resident dumping at Township Landfill	2.6	\$500.00
7	Dispose of waste generated outside of Township.	2.7	\$500.00
8	Obstruct or hinder an officer	3.3	\$500.00
9	Attempt to obstruct or hinder an Officer	3.3	\$500.00

Note: The penalty provision for the offences indicated above is section 3.2 of Bylaw 2020-30, a certified copy of which has been filed.