

**THE CORPORATION OF THE TOWN OF SMITHS FALLS
BY-LAW NUMBER 10020-2019**

**A BYLAW TO PROHIBIT THE DUMPING OF WASTE ON PUBLIC PROPERTY
WITHIN THE TOWN OF SMITHS FALLS**

WHEREAS section 127 of the *Municipal Act*, S.O. 2001, c. 25, as amended, permits councils of local municipalities to pass by-laws for requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, to regulate when and how such matters shall be done, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, and to define "refuse";

WHEREAS Section 8 of the *Municipal Act*, SO 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 9 of the *Municipal Act*, SO 2001, provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. DEFINITIONS: In this By-law,

- a. "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, designed or intended for, or used by, the general public for the passage of vehicles or persons, and including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk.
- b. "Municipal Enforcement Officer" means a person appointed or employed by the Town as a municipal law enforcement officer under Section 15 of the *Police Services Act*, R.S.O. 1990, c.P.15, as amended.
- c. "Owner" includes the assessed owner, occupant, lessee, tenant, mortgagee in possession and the person in charge of the property.
- d. "Person" includes an individual, owner or owners, lessees or occupants, firm, corporation, association, partnership, and includes the owner of a vehicle, including Commercial Vehicles, as defined in the *Highway Traffic Act of Ontario*, R.S.O. 1990, c.H.8, as amended.
- e. "Police Officer" means a member of the Smiths Falls Police Service.
- f. "Property" means any grounds, yard or vacant lot.
- g. "Public Property" Any property that is not owned by a private individual or a company. It belongs to the public at large and not to any one person. It covers premises and facilities that are owned by the government or a community.
- h. "Town" means the Town of Smiths Falls.
- i. "Waste" includes refuse, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes septic tank liquor, wet and dry sewage disposal sludge, contents of privy vaults, cesspools and holding tanks for human excrement, paper, handbills, an inoperative motor vehicle, appliances, carcass of any dead animal, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from

construction or demolition projects and other vehicles, machinery, equipment, materials or structures apparently disused in their existing location.

2. GENERAL PROVISIONS:

- a. No person shall throw, place, dump or deposit any waste on public property without authority from the owner or occupants of such property.
- b. No person shall throw, place, dump or deposit waste on a highway within the Town of Smiths Falls except when placed out in accordance with the Town's By-laws respecting garbage collection.
- c. The provisions of this By-law shall apply to all lands within the municipality of the Town of Smiths Falls.

3. ENFORCEMENT:

The provisions of this By-law shall be enforced by the Municipal Enforcement Officers of the Town and may be enforced by the Smiths Falls Police Service.

4. OFFENCES AND PENALTIES:

- a. Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction of his or her first offence is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- b. In addition to any fine payable pursuant to Section 3 above, every person who is convicted of an offence under this By-Law shall be responsible for any and all charges, fees or costs associated with the cleanup of any refuse, which resulted from the original offence. The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which they are liable under the provision of this By-Law.
- c. The Municipality may recover the costs incurred during the cleanup resulting from any act of throwing, placing or depositing refuse or debris on lands within the Municipality, from the person responsible for the act, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.
- d. No person shall hinder or obstruct or attempt to hinder or obstruct an officer designated to enforce this bylaw.

5. SEVERABILITY:

Should any paragraph, clause or phrase in this By-law be held to be inoperative by a court of competent jurisdiction, the remainder of the By-law shall remain in full force and effect.

6. SHORT TITLE:

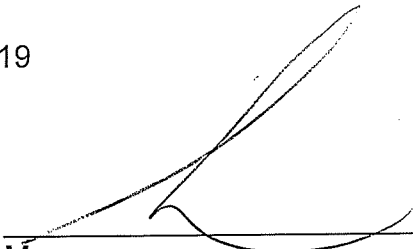
This by-law may be referred to as the Littering and Dumping By-law.


7. **ENACTMENT DATE:**

This By-Law shall come into force and take effect upon receipt of the approved set fines by the Chief Judge of Ontario as set out in Schedule "A" attached hereto.

Read a first and second time this 1st day of April, 2019

Read a third time this 1st day of April, 2019



Mayor


for¹ Clerk

I, Nadine Bennett
do hereby certify that to the best
of my knowledge, this photocopy is a true
likeness of the original.
Dated this 5 day of October, 2020
Nadine Bennett
A Commissioner for Taking Affidavits
Expires

Nadine Bennett, Deputy Clerk, a Commissioner, etc.,
County of Lanark, for Corporation of the
Town of Smiths Falls.

SCHEDULE A to Bylaw 10020-2019

THE CORPORATION OF THE TOWN OF SMITHS FALLS

PART 1 Provincial Offences Act

By-Law # 10020-2019
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ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fines
1	Throw waste on property within the Municipality	Section #2	\$ 500.00
2	Place waste on property within the Municipality	Section #2	\$ 500.00
3	Deposit waste on property within the Municipality	Section #2	\$ 500.00
4	Hinder obstruct or attempt to hinder or obstruct an officer designated to enforce this bylaw.	Section # 4 (d)	\$500.00

NOTE: Penalty provision for the offences indicated above is Section 4 of By-Law No. 10020-2019, a certified copy of which has been filed.