

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2003-26

BEING A BY-LAW TO PROHIBIT AND REGULATE THE DEPOSITING OF WASTE ON HIGHWAYS WITHIN THE CITY OF CLARENCE-ROCKLAND.

WHEREAS Section 27(1) of the *Municipal Act*, R.S.O. 2001, Chap. 25 as amended, states that a municipality may pass by-laws in respect of highways under its jurisdiction;

ANDWHEREAS Section 63(1) of the *Municipal Act*, R.S.O. 2001, Chap. 25 as amended, states that a by-law passed for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on a highway, may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on a highway;

ANDWHEREAS Section 63(2) of the *Municipal Act*, R.S.O. 2001, Chap. 25 as amended, states that any perishable object or vehicle removed from a highway is the property of the municipality upon being moved from a highway and may be destroyed or given to a charitable institution;

ANDWHEREAS Section 127 of the *Municipal Act*, R.S.O. 2001, Chap. 25 as amended, states that a local municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, (highway).

NOW THEREFORE the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

DEFINITIONS

1. In this by-law:

- a) **“Corporation”** means the Corporation of the City of Clarence-Rockland.
- b) **“Domestic waste”** shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:
 - (i) grass clippings, tree cuttings, brush, leaves and garden refuse;
 - (ii) paper, cardboard, clothing;
 - (iii) all kitchen table waste of animal or vegetable origin, resulting from the preparation or consumption of food;

- (iv) cans, glass, plastic containers, dishes;
 - (v) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
 - (vi) refrigerators, freezers, stoves or other appliances and furniture;
 - (vii) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - (viii) discarded boats, aircraft or motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
 - (ix) rubble, inert fill or fencing materials.
- c) **“Industrial waste”** shall mean any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes, but is not limited to, the following classes of waste material:
- iii) piping, tubing, conduits, cables, fittings or other accessories, or adjuncts to piping, tubing, conduits or cables;
 - iv) containers of any size, type or composition;
 - v) rubble, inert fill;
 - vi) mechanical equipment, mechanical parts, accessories or adjunct to mechanical equipment;
 - vii) articles, things, matter, effluent which is whole or in part or fragments thereof derived from or constituted from or consist of agricultural, animal, vegetable, paper, lumber or wood products; or mineral, metal or chemical products, whether or not the products are manufactured or otherwise processed;
 - viii) bones, feathers, hides;
 - ix) paper or cardboard packaging or wrapping;
 - x) material resulting from, or as part of, construction or demolition projects;

- xi) discarded boats, aircraft, motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims or mechanical equipment.
- d) **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- e) **“Municipal Law Enforcement Officer”** means a Peace Officer appointed under Section 15 of the *Police Services Act* to enforce by-laws.
- f) **“Owner”** shall include lessee and occupant of the land.
- g) **“Person”** means an individual, a partnership, or a corporation, to whom or to which the context can apply.
- h) **“Rubble”** shall include broken concrete, bricks, broken asphalt, patio or sidewalk slabs.
- i) **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, or the cars of electric or steam railways running only upon rails.

GENERAL PROVISIONS

2. No person shall, unless otherwise authorized, in writing, by the Corporation:
 - a) deposit, drop, scatter, spill, push, pile or throw any domestic waste or industrial waste, snow or ice, on or upon a highway or sidewalk;
 - b) encumber or damage a highway or sidewalk by an animal, vehicle or other means;
 - c) permit or allow any domestic waste or industrial waste to be blown from private property onto a highway or sidewalk;
 - d) obstruct a drain, gutter or water course along or upon a highway or sidewalk;
 - e) place a plank or other material in or over any gutter or ditch for the purpose of making a crossing;

- f) walk upon, ride, drive, or load an animal, or move, drive, run or propel a vehicle upon, over or across a newly constructed sidewalk or pavement before it has been opened for use by the public;
- g) operate a parking station, parking lot, used car lot, automobile service station or mechanical car wash, permit or allow water used for washing or cleaning a motor vehicle to escape upon, overflow, or run across or upon a highway or sidewalk;
- h) throw, pile, or cause any cordwood, firewood, or construction material to be thrown or piled upon a highway, except for the purpose of having it immediately delivered upon adjacent premises;
- i) saw or split any cordwood or firewood upon a highway or sidewalk;
- j) place or expose, or cause any merchandise or articles of any kind to be placed or exposed upon a highway or sidewalk;
- k) being the owner or occupier of land, allow any part of a tree, shrub, or sapling to extend over or upon any highway or sidewalk, so as to interfere with, impede or endanger persons using the highway or sidewalk;
- l) move, or cause to be moved a vehicle equipped with cleats, flanges, or tracks on its wheels, or rollers, or any of them, on or along the travelled portion of the roadway or the sidewalk, except by means of a float, trailer, or other similar device, providing that a vehicle is so equipped including a vehicle for the digging and backfilling of trenches, may be moved directly across the travelled portion of the roadway or the sidewalk, if a preventive mat has first been laid on the surface of the portion of the roadway or sidewalk to be crossed, provided however that this subsection shall not apply when a vehicle is operating with the written permission of the Director of Physical Services;
- m) spit on any sidewalk, pavement or in the passages of a stairway of or entrance to any public building or any hall, building or place to which the public resort or in any public conveyance;
- n) remove a barricade or notice or enter upon or use a highway or sidewalk temporarily closed;
- o) remove or move a barricade, sign or light placed around any excavation in a highway or sidewalk;

- p) erect or maintain any gate or door so that the same shall open or swing outward over any part of a sidewalk or street;
- q) move or cause any building or structure to be moved into, along, or across a highway without having first obtained a permit from the Chief Building Official;
- r) place, push, deposit or pile any snow on any highway or sidewalk.

ENFORCEMENT AND PENALTIES

- 3. The provisions of this by-law shall be administered and enforced by the Municipal Law Enforcement Officer.
- 4. Every person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable to a fine as set out for in the *Provincial Offences Act*, R.S.O. 1990, Chapter 33, as amended.
- 5. Where any requirement in accordance with this by-law is not carried out, the Municipal Law Enforcement Officer or persons designated by the Municipal Law Enforcement Officer for the Corporation of the City of Clarence-Rockland may, upon such notice as he deems suitable, do such thing at the expense of the person required to do it and, in so doing, may charge an administration fee of 15% of the amount expended by or on behalf of the municipality and such total shall be recovered by action or in like manners as municipal taxes.
- 6. Where any matter or material is removed in accordance with Section 5 of this by-law, it may be immediately disposed of by the Municipal Law Enforcement Officer.
- 7. In addition to the imposition of a fine or other remedy, as court of competent jurisdiction may, upon conviction on an offence under this by-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

BY-LAW IN FORCE

- 8. This by-law shall come into force and take effect on the day it is duly adopted by the Council of the Corporation.

**READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING,
THIS 8TH DAY OF APRIL, 2003.**

Jean Pierre Pierre, Mayor

Daniel Gatién, Clerk

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