



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
BY-LAW NUMBER 3582-2022**

**A BY-LAW TO PROHIBIT THE THROWING, PLACING OR DEPOSITING OF DEBRIS
ON PRIVATE OR MUNICIPAL PROPERTY WITHIN THE TOWNSHIP OF AUGUSTA**

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the Municipal Act, 2001 or any other Act;

AND WHEREAS Sections 8, 9 and 11 of the Municipal Act, 2001 permits a municipality to pass By-Laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2), authorize By-Laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may pass By-Laws regulating highways under its jurisdiction;

AND WHEREAS Section 74, Section 425(1), Section 426 and Section 429 of the Municipal Act 2001, S.O. 2001, c.25, as amended authorizes that a municipality may, in a By-Law prohibiting or regulating any matter passed under the "waste management" sphere of jurisdiction, provide that a person who contravenes the by-law is guilty of an offence and is liable to a fine; and

AND 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"; and

AND WHEREAS Section 180 of the Highway Traffic Act R.S.O. 1990, c. H.8, s. 180. 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;

AND WHEREAS section 425 of the Municipal Act, 2001, S.O. 2001, c.25, provides for a municipality to pass By-Laws providing that a person who contravenes a By-Law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS section 426 of the Municipal Act, S.O. 2001, c.25 provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-Law passed under this Act;

AND WHEREAS section 429 of the Municipal Act, S.O. 2001, c.25 provides for a municipality to establish a system of fines for offences under a By-Law of the municipality passed under this Act;

AND WHEREAS Section 436 of the Municipal Act, 2001 provides for a municipality to pass By-Laws that authorize the municipality to enter on land at any reasonable time for the purpose of carrying out an inspection to determine if a By-Law of the Municipality is being complied with, or to determine if an order or direction of the municipality made under the Act or made under the By-Law is complied with, and may require information, inspect documents and take samples.

AND WHEREAS section 444 of the Municipal Act, 2001, provides that a municipality may make an order to require a person to discontinue contravening a By-Law and to do the work required to correct the contravention;

AND WHEREAS Section 445 of the Municipal Act, 2001, provides that if a municipality is satisfied that a contravention of a By-Law of the municipality passed under the Municipal Act has occurred, the municipality may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS it is deemed desirable and expedient to prohibit the throwing, placing or depositing of refuse or debris on property within the Municipality without authority from the Owner or occupant of such property;

NOW THEREFORE The Council of the Corporation of the Township of Augusta enacts as follows:

1. DEFINITIONS

In this By-Law,

- 1.1. "Council"** means The Council of The Corporation of the Township of Augusta
- 1.2. "Debris"** means all waste, garbage, litter, rubbish, material, refuse, discarded paper or wrappers, cigarette butts and any other discarded or abandoned commodities of any kind whatsoever and without limiting the generality of the foregoing includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden or yard 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;
- 1.3. "Officer"** shall mean the By-Law Enforcement Officer for the Township of Augusta as appointed by Council, Police Officer, any other person or company directed by the Clerk to enforce parts of this By-Law, agents and all other Enforcement Officers as may be appointed by the Province of Ontario.
- 1.4. "Owner"** includes an occupant, lessee, tenant, mortgagee in possession, and the person in charge of the property;
- 1.5. "Person"** means any human being including a Corporation or an Owner;
- 1.6. "Private property"** means buildings, structures, lands and premises within the Township that are not owned, leased, licensed or occupied by the Township;
- 1.7. "Property"** means all buildings, structures, lands and premises within the Township;
- 1.8. "Receptacle"** means any bin, dumpster or other device placed on property, by the Owner of such property, for the disposal of debris.
- 1.9. "Township"** shall mean The Corporation of the Township of Augusta.

1.10. "Township property" includes:

- 1.10.a.** buildings and structures within the Township of which the Township is the Owner, lessee or licensee;
- 1.10.b.** lands and premises within the Township of which the Township is the registered Owner, lessee or licensee;
- 1.10.c.** lands and/or premises within the Township of which the Ownership has been vested in the Township through statute or otherwise; and
- 1.10.d.** without limiting the generality of the foregoing, includes those roads and road allowances under the jurisdiction of the Township or the United Counties of Leeds and Grenville whether open or closed.

2. GENERAL

- 2.1.** No person shall throw, dump, place or deposit debris on private property without authority from the Owner or occupant of such property.
- 2.2.** No person shall throw, dump, place or deposit debris on Township property without authority from the Township.
- 2.3.** No person shall place any debris in a receptacle which is not owned by the Township except with the consent of the Owner of such receptacle.
- 2.4.** No person shall deposit any debris in a receptacle owned by the Township except with the consent of the Township.
- 2.5.** No person shall permit debris to be blown or otherwise transferred or conveyed from the property or vehicle occupied by them on to any lane, street, creek, water course, roadway or other property in the Township.
- 2.6.** Every person who is deemed to be in violation of any section of 2. and has been ordered by an Officer to clean up such debris, shall comply with the order. The clean up of the debris shall be completed within 24 hours of receiving the order.

3. EXEMPTIONS

- 3.1.** Where, in the normal course of waste collection, a person deposits acceptable debris on a highway or on land owned by the Municipality in compliance with the provisions of applicable By-Laws respecting garbage and waste collection.
- 3.2.** Where, in the course of engaging in home composting, a person deposits grass, tree trimmings and pruning's, garden waste and other vegetable matter in a home composter.
- 3.3.** Where, during the course of construction on a property, construction materials including excavated material or fill are stored on that property.

4. PENALTY

- 4.1.** Any person who contravenes any provision of this By-Law shall be guilty of an offence and upon conviction, shall be liable to a penalty as provided under the Provincial Offences Act. Provincial Offences Act, R.S.O. 1990, c.P33, as amended, as set out in Schedule "A" Set Fines
- 4.2.** Each day on which a person contravenes section 2.7 of this By-Law shall be deemed to constitute a separate offence under this By-Law as provided for in section 429(2) of the Municipal Act, S.O. 2001, c. 25

5. OTHER

5.1. Where a provision of this By-Law conflicts with a provision of another By-Law enforced in the Township, the provisions that establish the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

5.2. This By-Law shall come into force and take effect upon its passing.

5.3. Schedule "A" shall constitute part of this By-Law.

6. SEVERABILITY

6.1. If any provision of this By-Law or application thereof to any person or circumstance is held invalid by any Court, other provisions or applications of the By-Law which can given effect without the invalid provision or application shall not be affected, and to this end the provisions of this By-Law are declared to be severable.

7. ENFORCEMENT

7.1. The This By-Law may be enforced by all Officers.

7.2. Subject to the provisions of Section 7.3 of this By-Law, wherever this By-Law directs or requires anything to be done, in default of it being done by the person directed or required to do it, such thing may be done under the direction of an Officer at the expense of such person. The fee for such services shall be payable by the person within 30 days of the account being rendered. If the person is an Owner, and if the fees are not paid within 30 days, the expenses may be added to the tax roll of the property Owner and shall bear interest at the same rate that applies to overdue taxes, and collected in like manner as municipal taxes.

7.3. At least seven days before proceeding under Section 7.2, the Officer shall give written notice to the Owner of the property informing the Owner of his or her intention to proceed, which notice may be either delivered to the Owner in person or sent by prepaid ordinary mail to the Owner at the address shown for him or her on the last revised assessment roll and such mailing of the notice shall be deemed to be good and sufficient delivery of the same to the Owner.

7.4. No person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.

7.5. No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.

7.6. Every person shall comply with any Order or Notice issued under the authority of this By-Law.

8. SHORT TITLE

8.1. This By-Law may be referred to as the "Littering By-Law".

9. REPEALS

9.1. By-Law 3578-2022 and all By-Laws relating to the throwing, placing or depositing of debris on private or municipal property within the Township of Augusta and contrary to this By-Law are hereby rescinded.

READ a first and second time this 12th day of September 2022

READ a third time and passed this 12th day of September 2022


MAYOR


CLERK

**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
PART 1 PROVINCIAL OFFENCES ACT
BY-LAW 3582-2022
A BY-LAW TO PROHIBIT THE THROWING, PLACING OR DEPOSITING OF DEBRIS
ON PRIVATE OR MUNICIPAL PROPERTY WITHIN THE TOWNSHIP OF AUGUSTA
SCHEDULE "A" – SET FINES**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Deposit debris on private property without authority	Section 2.1	\$200.00
2.	Deposit debris on Township property without authority	Section 2.2	\$200.00
3.	Place debris in receptacle without consent	Section 2.3	\$200.00
4.	Place debris in Township receptacle without consent	Section 2.4	\$200.00
5.	Permit debris to be blown/transferred to land/street/watercourse	Section 2.5	\$200.00
6.	Fail to comply with order to clean up debris	Section 2.6	\$200.00

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: October 3, 2022

Electronic Signature:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

Note: The general penalty provision for the offences listed above is section 4.0 of Bylaw 3582-2022, a certified copy of which has been filed.

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. 3582-2022, of the Township of Augusta attached hereto is the set fine for that offence. This Order is to take effect on October 3, 2022.

Dated at Ottawa, this 3rd day of October 2022.

ELECTRONIC SIGNATURE:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

October 3, 2022

Rbowman@augustafire.ca

Augusta Township
3560 County Road 26, RR 2
Prescott, Ontario K0E 1T0

Attention: Mr. Rob Bowman
Fire Chief/Manager of By-Law

Dear Mr. Bowman:

Re: Set Fines – Provincial Offences Act – Part I
By-Law No. 3582-2022: Littering

Enclosed herewith are the original Order (Part I) dated October 3, 2022, and original schedule of set fines for By-Law No. 3582-2022, 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.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Augusta.

Yours truly,

ELECTRONIC SIGNATURE:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

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Enclosures

c.c.: Ms. Devyani Anandjit
Crown Law Office – Criminal, Ministry of the Attorney General