

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 3-2004

A By-law to prohibit the dumping of waste on private or other property within the municipality of the City of Vaughan.

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 WHEREAS section 2 and sections 8 through 11 of the *Municipal Act*, (supra) provide for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipality and fostering current and future economic, social and environmental well-being of the municipality, and powers which include the authority to regulate, prohibit and impose requirements on persons, and to differentiate between persons, and specifically to enact by-laws dealing with waste management, drainage and flood control and structures;

AND WHEREAS section 131 of the *Municipal Act*, (supra) permits by-laws prohibiting, regulating and inspecting the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them for salvaging parts thereof for sale or other disposal;

AND WHEREAS section 128 of the *Municipal Act*, (supra) permits by-laws for prohibiting and regulating public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances and the opinion of Council, if arrived at in good faith, is not subject to review by any Court;

AND WHEREAS section 130 of the *Municipal Act*, (supra) permits a municipality to pass by-laws for the regulation of matters not specifically provided for in the *Act* or any other *Act* for purposes related to the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE, the Council of the Corporation of the City of Vaughan enacts as follows:

1. **DEFINITIONS**: In this By-law,
 - a. "City" means the City of Vaughan.
 - b. "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.

- c. "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, whether under the jurisdiction of the Region of York, and including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk.
- d. "Inoperative vehicle" means a vehicle having missing, damaged or deteriorated parts or any condition that may prevent its mechanical function and includes any vehicle that does not display a vehicle permit number plate with evidence of the permit affixed to it, issued under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended from time to time or as issued by another provincial, state or national government.
- e. "Local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special legislation with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.
- f. "Municipal Enforcement Officer" means a person appointed or employed by the City as a municipal law enforcement officer under Section 15 of the *Police Services Act*, R.S.O. 1990, c.P.15, as amended.
- g. "Owner" includes the assessed owner, occupant, lessee, tenant, mortgagee in possession and the person in charge of the property.
- h. "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.
- i. "Property" means any grounds, yard or vacant lot.
- j. "Police Officer" means a member of the York Regional Police or a member of the Ontario Provincial Police.

2. GENERAL PROVISIONS:

- (1) No person shall throw, place, dump or deposit any waste on private property or the property of the City of Vaughan without authority from the owner or occupants of such property.
- (2) No person shall throw, place, dump or deposit waste on a highway within the City of Vaughan except when placed out in accordance with the City By-laws respecting garbage collection.

- (3) No person shall throw, place, dump or deposit waste, litter or debris on private property of a local board without authority from the owner or occupants of such property.
- (4) The owner or occupant of private property used contrary to or on which there is a contravention of subsections (1) and (3) above, regardless of whether the use or contravention occurred prior to the enactment of this by-law, shall at the person's own expense clean, clear and cease using such land or structure for such prohibited purposes.
- (5) The provisions of this By-law shall apply to all lands within the municipality of the City of Vaughan, other than those areas zoned Disposal Industrial (M5) by By-law 1-88 of the Corporation of the City of Vaughan, as amended.

3. ENFORCEMENT:

The provisions of this By-law shall be enforced by the municipal enforcement officers of the City and may be enforced by the York Regional Police and the Ontario Provincial Police.

4. OFFENCES AND PENALTIES:

Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, subject to the penalties prescribed by the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

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. REPEALED BY-LAWS:

Vaughan By-laws 1949, 3120, 3782, 206-79, 207-79, and 125-81 are hereby repealed.

8. ENACTMENT DATE:

This By-law shall take effect on the date of enactment.

READ a FIRST, SECOND and THIRD time and finally passed this 12th day of January, 2004.

Michael Di Biase, Mayor

J. D. Leach, City Clerk