

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 103-2020

A By-law to prohibit dumping of waste on public and private property, require owners of private property to maintain such property free of waste, and to repeal by-laws 263-2001 and 3-2004 and their corresponding amendments.

WHEREAS the *Municipal Act, 2001* S.O. 2001, c.25, Subsection 8(1) provides that the powers of a municipality under the Act be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs, as they consider appropriate, and enhance their ability to respond to municipal issues;

AND WHEREAS the *Municipal Act, 2001* S.O. 2001, c.25, Subsection 8(3) provides for by-laws under sections 10 and 11 respecting a matter, to regulate or prohibit respecting the matter, and require persons to do things respecting the matter;

AND WHEREAS the *Municipal Act, 2001* S.O. 2001, c.25, Sections 10 and 11 provide for a municipality to pass by-laws respecting the health, safety and well-being of persons, the protection of persons and property, and the economic, social and environmental well-being of the municipality;

AND WHEREAS the *Municipal Act, 2001* S.O. 2001, c.25, Section 127 provides for a municipality to (a) require 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; (b) regulate when and how matters required under clause (a) shall be done; and (c) prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land.

AND WHEREAS section 128 of the *Municipal Act*, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become or cause public nuisances;

AND WHEREAS section 398 of the *Municipal Act*, provides for fees and charges imposed by a municipality on a person to constitute a debt of the person and for the municipality to add such fees and charges to the tax roll and collect them in the same manner as municipal taxes;

AND WHEREAS subsection 434.1(1) of the *Municipal Act*, provides for a municipality to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Act;

AND WHEREAS sections 444 and 445 of the *Municipal Act*, provide for a municipality to make an order to discontinue a contravening activity or correct a contravention, with either order setting out particulars of the contravention and the date by which compliance must be achieved;

AND WHEREAS section 15 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 provides for persons appointed as municipal law enforcement officers by a municipal council to be peace officers for purposes of enforcing municipal by-laws;

AND WHEREAS subsection 15(2) of the *Police Services Act*, R.S.O. 1990, c. P. 15 provides that municipal law enforcement officers are peace officers for the purpose of enforcing municipal by-laws;

AND WHEREAS the opinion of Council of the Corporation of the City of Vaughan is that unauthorized dumping of waste is a public nuisance that can adversely affect the health, safety and well-being of persons as well as have a detrimental impact on both the natural and built environment;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1.0 Authority and Short Title

(1) The By-law shall be known and referenced as the “Dumping By-law.”

2.0 Applicability and Scope

(1) This By-law applies to all *Property*, including *Public Lands*, within the jurisdictional boundaries of the City of Vaughan.

(2) This By-law does not apply to:

(a) *Collectible Waste, Resource Materials, Recyclable Materials*, and *Residual Waste* in accordance with the provisions of [Waste Collection By-law 135-2017](#), as amended, or its successor by-law;

(b) *Waste* discarded into municipal or other receptacles intended for the purpose of the disposal of said *Waste*;

- (c) earth or rock fill under a permit in accordance with the provisions of [Fill By-law 189-96](#), as amended, or its successor by-law;
 - (d) areas zoned Disposal Industrial (M5) in accordance with the provisions of [Zoning By-law 1-88](#), as amended, or its successor by-law.
- (3) Where any provision of this By-law is in conflict with a provision of any other *City* by-law, the more restrictive provision shall prevail.

3.0 Definitions and Interpretation

- (1) In this By-law:
- (a) “Boulevard” means that part of a *Highway* that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled portion of the road and the adjoining property line including the 0.3-metre reserve where applicable;
 - (b) “City” means the Corporation of the City of Vaughan, in the Regional Municipality of York;
 - (c) “Collectible Waste” has the same meaning as the same term in [Waste Collection By-law 135-2017](#), as amended, or its successor by-law;
 - (d) “Director” means the Chief Licensing Officer and Director, By-law and Compliance, Licensing and Permits Services for the City of Vaughan, or his or her designate.
 - (e) “Dumping” means throwing, placing, depositing *Waste*;
 - (f) “Highway” means a common and public highway, any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the property lines thereof;
 - (g) “Notice” means direction provided by the *City*, its employees or agents, including an *Officer*, and also includes an order as provided for under sections 444 and 445 of the *Municipal Act, 2001* S.O. 2001, c.25;
 - (h) “Officer” means a Provincial Offences Officer or Municipal Law Enforcement Officer of the *City*, or any other person appointed by or under the authority of a *City* by-law to enforce this By-law, and such Officer is deemed to be a Peace Officer under the *Police Services Act, R.S.O. 1990*, c. P. 15;

- (i) “Owner” includes:
 - i) the *Person* having the right, title, interest or equity in the land, or his or her agent authorized in writing;
 - ii) the *Person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other *Person*, or who would receive the rent if the land and premises were let;
 - iii) a lessee or occupant of the *Property* who, under the terms of a lease, is required to repair and maintain the *Property*,
notwithstanding sections (i)-(iii), *Owner* does not include the *City*.
- (j) “Person” means an individual person, a partnership, or a corporation to which the context can apply, but does not include the *City*;
- (k) “Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes *Vacant Land*, but does not include a dwelling unit.
- (l) “Public Lands” means lands owned by the *City*, and shall include but not be limited to the *Boulevard*, any *Highway*, lane, alley, square, place, viaduct or trestle, water way or bridge, park, woodland, greenbelt, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk, but does not include property owned by the Regional, Provincial, Federal Government, a Crown Corporation, Hydro, Utility or Railway Company;
- (n) “Recyclable Materials” has the same meaning as the same term in [Waste Collection By-law 135-2017](#), as amended, or its successor by-law;
- (o) “Residual Waste” has the same meaning as the same term in [Waste Collection By-law 135-2017](#), as amended, or its successor by-law;
- (p) “Resource Materials” has the same meaning as the same term in [Waste](#)

[Collection By-law 135-2017](#), as amended, or its successor by-law;

- (q) “Road Allowance” means *Public Lands* situated along a *Highway* and between the private property lines on either side of that *Highway*;
 - (r) “Vacant Land” means a *Property* that does not have a building or structure;
 - (s) “Waste” includes, but is not limited to the following: refuse, rubbish, junk, or disused material of any kind whatsoever; a motor vehicle that is or appears to be, by reason of its age, appearance, mechanical condition or lack of licence plates, inoperative; inoperative mechanical equipment; automotive and mechanical parts; disused furniture, appliances and fixtures; old clothing; garden refuse; earth or rock fill; old or decayed lumber; material from construction or demolition projects; materials or structures apparently disused in their existing location; any article that is discarded or otherwise appears abandoned; septic tank liquid, wet and dry sewage disposal sludge, contents of privy vaults, cesspools and holding tanks for human excrement; paper, packaging materials, handbills; pathological waste, including carcass or remains of any dead animal; human or animal waste of any kind.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(1) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

4.0 Dumping Prohibited

- (1) No *Person* shall *Dump* or cause, permit or allow *Dumping* to take place on any *Property* or *Public Lands*, *Waste* of any kind, unless permitted by another *City* by-law or legislation.
- (2) No *Person* shall discharge or cause, permit or allow the leaking/discharge of any engine, transmission fluid, petroleum products/fluids or any other fluids, liquids or similar materials onto any *Property* or *Public Lands*, unless permitted by another *City* by-law or legislation.
- (3) No *Person* shall deliver, throw, drop or place, or cause, permit or allow the

delivery, throwing, dropping or placing of any newspaper, magazine, flyer, leaflet or similar device if the *Owner* has provided explicit direction not to do so.

5.0 Owner Responsible

- (1) Every *Owner* shall keep his or her *Property* free of *Waste*.
- (2) The *Owner* of any *Property* shall clean and clear said *Property* on a regular basis, and all grass on said *Property* shall not exceed a height of 20 centimetres.
- (3) No *Owner* shall place, or cause, permit or allow to be placed, snow or ice from his or her *Property* or from the *Boulevard* directly adjacent to his or her *Property*, by any means, onto a *Highway*.
- (4) Upon *Notice* from the *City*, the *Owner* of any *Property* on which *Dumping* has taken place shall forthwith remove the same at his or her expense.

6.0 Bins and Storage

- (1) No *Person* shall place construction or waste bins, or any construction materials on *Public Lands*, including anywhere on the *Road Allowance*, without first obtaining written permission from the *City*.
- (2) Upon *Notice* from the *City*, the *Owner* of any *Property* relating to a contravention of 6.0(1) shall forthwith remedy such contravention, including but not limited to the removal of bins, materials or other items from *Public Lands*, at his or her expense.
- (3) Upon failure to comply with a *Notice* under 6.0(2), the *Director* may deem a construction or waste bin or any construction materials on *Public Lands*, including anywhere on the *Road Allowance*, to have been abandoned and to be *Waste*.

7.0 Inspections and Right of Access

- (1) An *Officer* and any *Person* acting under the *Officer's* instructions may, without a warrant, enter and inspect a *Property* to determine:
 - (a) whether the *Property* conforms with the requirements prescribed in this By-law; or
 - (b) whether a *Notice* made under this By-law has been complied with.
- (2) Where the inspection is conducted by the *Officer* or any *Person* acting under the *Officer's* instructions, the *Person* conducting the inspection may:
 - (a) require the production for inspection of documents or things relevant to the

- inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any *Person* concerning a matter related to the inspection including their name, address, phone number and identification;
 - (d) alone or in conjunction with a *Person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
 - (e) order the *Owner* of the *Property* to take and supply at the *Owner's* expense such tests and samples as are specified.

8.0 Notice to Comply

- (1) An *Officer* who finds a contravention of this By-law may give written *Notice* to the *Owner* of the *Property*, structure or thing, as described in subsection 5.0(4) or 6.0(2), requiring immediate compliance with this By-law and/or to do work to correct the contravention of this By-law within the time period specified in the *Notice*.
- (2) The *Notice* in 8.0(1) may be served personally on the *Person* to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- (3) If there is evidence that the *Person* in possession of the *Property* is not the registered *Property Owner*, the *Notice* in 8.0(1) shall be served on both the registered *Property Owner* and the *Person* in possession of the *Property*.
- (4) If the address of the *Owner* is unknown, or the *City* is unable to effect service on the *Owner* or occupant under section 8.0(2), a placard stating the terms of the *Notice* in 8.0(1), and placed in a conspicuous place upon the land on or near the *Property*, structure or thing, shall be deemed to be sufficient notice to the *Owner*.

9.0 Presumption

- (1) Where *Waste* is thrown, dumped, placed, or deposited from a vehicle, the owner of the vehicle shall be presumed to have been the person who threw, placed, dumped or deposited the *Waste*, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

- (2) Where *Waste* is thrown, dumped, placed, or deposited and the nature of the *Waste*, any markings on the *Waste*, or other evidence with respect to the *Waste*, reasonably indicates its origin, the *Owner* of the *Property* of the *Waste*'s origin shall be presumed to have been the *Person* who threw, placed, dumped or deposited the *Waste*, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

10.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act, R.S.O. 1990*, Chapter P.33, as amended, for a breach of any provisions of this By-law or failure to comply with a *Notice* under this By-law, an *Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under section 10.0(1), no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$500.00 for *Dumping*.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the [Administrative Monetary Penalties By-law](#), as amended or its successor by-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the [Administrative Monetary Penalties By-law](#), as amended or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

11.0 Fines

- (1) Every *Person*, including an *Owner*, who contravenes a provision of this By-law, including a *Notice* issued under this By-law, is guilty of an offence.
- (2) Every director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law or fails to comply with a *Notice* to comply made under this By-law is guilty of an offence.
- (3) A *Person* who is convicted of an offence under this By-law is liable on first conviction to a fine of not less than \$500 and not more than \$50,000 and is liable

on subsequent convictions to a fine of not less than \$500 and not more than \$50,000.

- (4) A corporation that is convicted of an offence under this By-law is liable on first conviction to a fine of not less than \$500 and not more than \$50,000 and is liable on subsequent convictions to a fine of no less than \$500 and not more than \$100,000.
- (5) If a *Notice* has been issued under this By-law and the *Notice* has not been complied with, or an *Owner* has not maintained a *Property* free of *Waste*, or a *Person* has discharged or caused, permitted or allowed the leaking/discharge of substances referred to in section 4.0(2), the contravention of said *Notice* and/or the failure to keep the property free of *Waste* and/or the discharge or causing, permitting, or allowing the discharge of substances referred to in section 4.0(2) shall be deemed to be continuing offences for each day or part of a day that the *Notice* is not complied with, or that the *Waste* remains on the property, or that *Person* has discharged or caused, permitted or allowed the leaking/discharge of substances referred to in section 4.0(2), and the *Person* and/or *Owner* (as applicable) shall be subject to a minimum fine of \$500 per day and a maximum fine not to exceed \$10,000 per day, however the total of all daily fines for the offences is not limited to \$100,000.
- (6) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall not exceed \$10,000 and the total of all fines for each included offence is not limited to \$100,000.

12.0 Failure to Comply; Removal by City; Costs

- (1) If an *Owner* fails to comply with a *Notice* given under Part 8.0, the *City's* representatives may enter upon the *Property* at any reasonable time for the purposes of doing the things described in the *Notice*.
- (2) Costs incurred by the *City* in doing the work in accordance with 12.0(1) may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

- (3) Where a contravention under 9.0(2) takes place on *Public Lands*, the *City* may dispose of the *Waste* without notice and at the expense of the *Owner* of the *Property* of the *Waste's* origin and may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

13.0 Severability

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the Council of the City of Vaughan in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

14.0 Transition

- (1) Notwithstanding the repeal of By-law 263-2001 and 3-2004, as amended respectively, said by-laws shall continue to apply to any acts, omissions, occurrences, or offences for which charges have been laid prior to the enactment of this By-law.
- (2) Where a *Notice*, fine or other penalty has been issued under any by-law repealed by this By-law, an *Officer* may issue for the corresponding contravention a *Notice*, fine or other penalty under the provisions of this By-law, with due consideration for any action taken under such previous by-laws.
- (3) Subject to section 14.0(1), an existing contravention of any provision of this By-law, regardless of whether the contravention occurred prior to the enactment of this By-law, shall be subject to all of its provisions.
- (4) Where any signage or public notice that prohibits *Dumping* makes reference to a by-law other than this By-law, such signs or public notices shall be interpreted to reference the corresponding or relevant provisions of this By-law.

15.0 Repeal and Amendment of Other By-laws

- (1) The following by-laws are hereby repealed: [Debris By-law 263-2001](#), [Littering and Dumping By-law 3-2004](#), and all of their related amendments, including By-laws [246-2003](#), [83-2012](#), [122-2015](#).
- (2) Schedule 1 of the [Administrative Monetary Penalties By-law](#) is hereby amended by including this By-law as a Designated By-law.

16.0 Force and Effect

(1) This By-law shall come into force and effect on the date enacted by Council.

Enacted by City of Vaughan Council this 29th day of June, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk