

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2005-26**

Being a By-law to prohibit the disposal of refuse and debris on private or Town property, within the Town of Amherstburg

**WHEREAS**, the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, section 127, authorizes a local municipality to regulate with respect to refuse and debris, including the power to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

**AND WHEREAS** it is deemed expedient by Council to prohibit the disposal of refuse and debris on public or private property within the Town of Amherstburg;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF  
THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS:

In this By-law:

- a) "Corporation" means the Corporation for the Town of Amherstburg.
- b) "Council" means the Council of the Corporation of the Town of Amherstburg.
- c) "Owner" means the owner or occupant or person in charge of any property.
- d) "Person" means a natural person, a corporation, partnership or association and their heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- e) "Property" means lands and premises and any other estate or interest therein and any right or easement affecting the land and includes any highway under the jurisdiction of the Corporation;
- f) "Private Property" means those lands and premises that are not owned or occupied by the Corporation.
- g) "Receptacle" means any barrel, bin, dumpster, or other device placed on property for the disposal of refuse and debris.
- h) "Refuse" or "Debris" means any waste material of any kind and, without limiting the generality of the foregoing, includes:
  - i) garbage;
  - ii) junk;
  - iii) tin cans;
  - iv) old or decayed lumber;
  - v) discarded, deserted or inoperable machinery including automobiles and parts thereof or therefore;
  - vi) furniture;
  - vii) construction materials;
  - viii) material or effluent that appears to have been cast aside or discarded or abandoned;
  - ix) material or effluent that appears to be worthless or useless or of no practical value;
  - x) material or effluent that appears to be used up, in whole or part, or expanded or worn out in whole or in part.
- i) "Town" means the geographic entity of the Corporation of the Town of Amherstburg.

- j) "Town Property" means any land situated within the Town that is owned by the Corporation.

2. GENERAL PROVISIONS:

- a) No person shall throw, place or deposit or cause or permit the blowing or falling of refuse or debris onto private property without written authority from the owner of such private property.
- b) No person shall throw, place or deposit or cause or permit the blowing or falling of refuse or debris onto Town property without written authority from the Council or the Chief Administrative Officer.
- c) No person shall throw, place or deposit or cause or permit the blowing or falling of refuse or debris onto any property, except in a receptacle.
- d) Unless such deposit complies with all applicable law in regard to the deposit of refuse and debris, and the property is designated and approved pursuant to applicable law for the receipt of the same.
- e) No person shall place refuse or debris in a receptacle except with the written authorization of the owner of the property.

3. SEVERABILITY:

If any section of this by-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section shall be deemed to be severable and all other sections of this by-law shall be deemed to be separate and independent therefrom.

4. ENFORCEMENT:

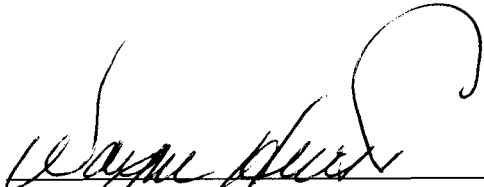
Every person who contravenes any provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

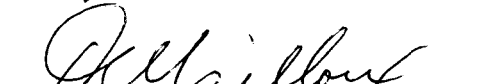
5. REPEAL:

The Town of Amherstburg By-law 2173, being a by-law to prohibit littering and nuisances, passed December 10, 1990, be and the same is hereby repealed.

This By-law shall come into force and take effect on the date of final passage thereof.

Passed this 27<sup>th</sup> day of June, 2005.

  
MAYOR

  
CLERK

1<sup>st</sup> Reading: June 27, 2005

2<sup>nd</sup> Reading: June 27, 2005

3<sup>rd</sup> Reading: June 27, 2005

Certified to be a true copy of By-law  
No. 2005-26 passed by Council of the  
Town of Amherstburg on the 27<sup>th</sup>  
day of June, 2005.

\_\_\_\_\_  
Clerk

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
WEST REGION



CABINET DU JUGE PRINCIPAL REGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
REGION DE L'OUEST

COURT HOUSE  
15<sup>TH</sup> FLOOR, UNIT "G"  
80 DUNDAS STREET  
LONDON, ONTARIO  
N6A 6B3

TELEPHONE/TÉLÉPHONE (519) 660-2292  
FAX/TÉLÉCOPIEUR (519) 660-3138

RECEIVED  
JUL 28 2005

July 26th, 2005

Mr. David Mailloux, Clerk  
Corporation of the Town of Amherstburg  
PO Box 159, 271 Sandwich St S  
Amherstburg ON N9V 2Z3

Dear Mr. Mailloux:

**Re: Set Fines - Provincial Offences Act - Part I  
By-law Number 2005-26, 2005-27 and 2005-60, of the Town of Amherstburg**

Enclosed herewith are copies of Orders, and copies of schedules of set fines for the above referenced By-Law, 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.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "A. M. Graham", with a long horizontal flourish extending to the right.

Alexander M. Graham  
Regional Senior Justice  
West Region

Enclosures  
/ec

ONTARIO COURT OF JUSTICE

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. **2005-26 of the Town of Amherstburg**, attached hereto is the set fine for those offences. This Order is to take effect July 26th, 2005.

Dated at London this 26<sup>th</sup> day of July, 2005.

A handwritten signature in black ink, appearing to read 'A. M. Graham', with a long horizontal flourish extending to the right.

Alexander M. Graham  
Regional Senior Justice  
West Region

**SET FINE SCHEDULE**

**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2005-26**

**A By-law to Prohibit the Disposal of Refuse and Debris on Private or Town Property Within the Town of Amherstburg**

***PART I Provincial Offences Act***

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>PROVISION CREATING OFFENCE</b>	<b>SET FINE</b>
1	[Throw / Place / Deposit / Cause the blowing or falling of / Permit the blowing or falling of] refuse or debris on private property without authorization	s. 2 (a)	\$85.00
2	[Throw / Place / Deposit / Cause the blowing or falling of / Permit the blowing or falling of] refuse or debris on Town property without authorization	s. 2 (b)	\$85.00
3	[Throw / Place / Deposit / Cause the blowing or falling of / Permit the blowing or falling of] refuse and debris other than in a receptacle	s. 2 (c)	\$85.00
4	Place refuse and debris in a receptacle without authorization	s. 2 (e)	\$85.00

NOTE: The general penalty provision for the offence listed above is section 4 of by-law 2005-26, a certified copy of which has been filed.