

BY-LAW NO. 03-19

of the

CORPORATION OF THE TOWN OF COLLINGWOOD



Being a By-law to require the owner or occupant of land to clear refuse and debris from the land.

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 as amended, Section 127 provides that a local Municipality may require the owner or occupant of land to clean and clear the land, or to clear refuse or debris from the land, not including building;

AND WHEREAS the Council of the Corporation of the Town of Collingwood is of the opinion that refuse and debris from the land within the Town of Collingwood is or may become a public nuisance.

NOW THEREFORE, THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. DEFINITIONS

"*Clean*" shall mean the removal and disposal of refuse as defined in this by-law, from any property within the boundaries of the Town of Collingwood

"*Clear*" shall have the same meaning as "Clean"

"*Council*" shall mean the Council of the Corporation of the Town of Collingwood

"*Costs*" shall mean all monetary expense incurred by the Municipality during and throughout the process of remedial action, including interest at a rate of 15% or such lower rate as determined by the Municipality commencing on the day the Municipality incurs the costs and ending on the day the costs, including interest, are paid in full, and may include an administrative surcharge the amount of such surcharge as to be determined from time to time by the Municipality and may include the addition of all such monetary expense including all surcharges to Municipal Taxes

"*Debris*" shall have the same meaning as Refuse

"*Land*" shall mean any property within the boundaries of the Town of Collingwood

"*May*" shall mean permissive

"*Municipality*" shall mean the Corporation of the Town of Collingwood, its employees and their agents, and person(s) accompanying them

"*Occupant*" shall mean "owner" and "person" as defined by this by-law

"*Officer*" shall mean a Municipal By-law Enforcement Officer, Property Standards Officer, or any other person so appointed or directed by Council for the enforcement of the by-laws of the Municipality

DEFINITIONS.....cont'd.

"*Owner*" shall mean the person or persons appearing on the Municipal Tax Assessment Roll or property tax account and persons having lawful title to the land and includes "persons" as defined in this by-law

"*Person*", in addition to its regular meaning, includes a business, corporation or any director, officer or manager of a business or corporation, and includes the owner or tenant or lessee or person in charge or person collecting the rent of any property, or any other person who is the occupier of the property

"*Property*" shall have the same meaning as property

"*Refuse*" includes but is not limited to all materials described in Appendix 'A' to this by-law, and all similar or like materials; said Appendix attached to and forming part of this by-law

"*Remedial action*" shall mean the pick-up, removal and disposal of refuse from any property within the boundaries of the Town of Collingwood by the Municipality, including all associated costs

"*Remedial Work*" shall have the same meaning as Remedial Action

"*Shall*" means imperative or must

2. OFFENCES

1. No owner shall fail to clean land.
2. No owner shall fail to maintain clean land.

3. NOTICE PRIOR TO REMEDIAL ACTION

The Municipality may, prior to taking remedial action under this by-law, send Notice to "owner" as defined and described in this by-law requesting that said "owner" clean land and such Notice may be given verbally, by regular mail, or by registered mail.

4. ENTRY ONTO LAND

The employees or agents of the Municipality or any person under their direction may enter upon land and into structures, other than a place actually used as a dwelling house, for the purposes of municipal remedial action, at any reasonable time, without notice.

5. IDENTIFICATION

A person exercising a power of entry on behalf of the Municipality under this Act must, on request, display or produce proper identification.

6. EXERCISE OF POWER OF ENTRY

Where the Municipality has a power of entry under the said Act, the power shall be exercised by an employee or agent of the Municipality who may be accompanied by any person under his or her direction.

7. OBSTRUCTION

No "owner" as described and defined in this by-law or no person acting on behalf, shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an officer, employee or agent or persons under the direction of the municipality in the lawful exercise of power or duty under this by-law.

8. PUBLIC NOTICE

The Municipality may give notice of this by-law in a newspaper having general circulation within the Municipality, including enforcement provisions of the by-law.

9. MUNICIPALITY NOT LIABLE

The Municipality assumes no liability for property damage or injury resulting from the cleaning of land by any "owner" or persons acting on behalf of any "owner" resulting from the cleaning of land.

10. INVOICE FOR COSTS PRIOR TO ADDITION OF COSTS TO MUNICIPAL TAXES

The Municipality may, prior to adding remedial action costs to Municipal Taxes, invoice "owners" as defined and described in this by-law requesting voluntary payment of said remedial action costs payable to the Corporation of the Town of Collingwood.

11. PROOF OF LIABILITY INSURANCE

All private contractors secured by the Municipality to perform land cleaning duties on behalf of the Municipality shall first and prior to commencing any such duties, provide proof in hardcopy form or a policy of liability insurance for their own possession in the amount of \$1,000,000.00 to engage in land cleaning duties. Proof of liability insurance as above shall be produced for inspection by the Clerk of the Municipality prior to commencing any land cleaning duties on behalf of the Municipality.

12. PENALTIES

Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to the penalties as provided for in the Provincial Offences Act, R. S. O. 1990, c. P. 33 as amended.

13. ENFORCEMENT

This By-law shall be enforced by a Municipal By-law Enforcement Officer, Property Standards Officer, or any other person so appointed or directed by Council for the enforcement of the By-laws of the Municipality.

14. VALIDITY AND SEVERABILITY

Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole

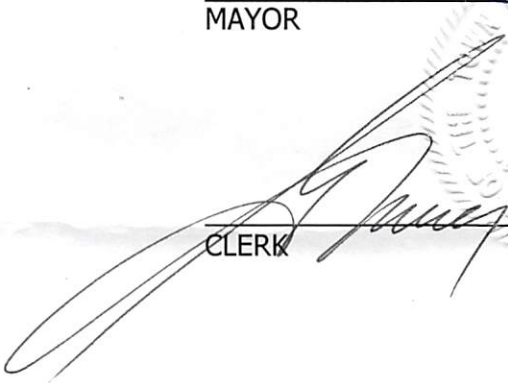
15. EFFECTIVE DATE

This by-law shall come into force and effect, following its final passage by Council of Corporation of the Town of Collingwood.

ENACTED AND PASSED this 17th day of March, 2003.



MAYOR



CLERK

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APPENDIX 'A'

In this By-law, Refuse includes but is not limited to the following:

- Household appliances such as stoves, refrigerators, freezers, washers, dryers, air conditioners and dishwashers, and television sets and their component parts
- Household furniture such as beds, bed springs, mattresses, tables, chairs and their component parts
- Barrels, boxes, water and fuel tanks (empty only)
- Motor vehicles, motorcycles, snowmobiles, bicycles, trailers, go-karts, boats, or vessels, all terrain vehicles which are in a wrecked, discarded, inoperative or dismantled condition, in whole or in part, and their component parts
- Boulders, bricks, concrete, asphalt, glass scrap wood, scrap metal, scrap wire, paint cans, cardboard, paper, plastics, Styrofoam, roofing shingles (scrap), discarded clothes or cloth and canvas
- Felled trees, tree stumps, branches, brush, leaves, bagged or piled grass and weeds, hedge cuttings, open compost piles and garden waste
- Household refuse, (bagged or not) not set out for collection, scrap construction materials, dead animal carcasses, animal feces
- All waste deemed as recyclables per By-law No. 98-09 of the Town of Collingwood, including: Newspapers and inserts, glass bottles and jars, steel and aluminum cans, all PETE #1 and #2 plastic, magazines, and phone books, catalogues, aluminum trays and foil, boxboard (i.e. cereal boxes) fibre egg cartons
- Tires, wrecked, dismantled, discarded playground equipment, beverage containers, fast food bags, containers and wrappings
- Industrial, commercial or any hazardous liquid waste (i.e. motor oil, gasoline)
- Waste from demolished buildings, discarded signs and placards
- Straw, hay and manure
- Excavated materials (i.e. earth, gravel)