



## The Corporation of The Municipality of Central Huron

### BY-LAW 36-2025

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#### **Being a By-law that prohibits the throwing, placing, dumping, or depositing of refuse, litter, waste, rubbish, or otherwise fouling of any public or private property**

**WHEREAS** section 8 (1) The powers of a municipality under this or any other Act shall be interpreted broadly to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.2006, c.32, Sched. A, s.8.; AND

**WHEREAS** section 127, of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and prohibit and regulate with respect to matters considered to be a public nuisance; AND

**WHEREAS** Section 425 (1) of the Municipal Act permits a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence.2006, c.32, Sched. A, s.184; AND

**WHEREAS** Section 436 (1) of the Municipal Act. permits a municipality to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of conducting an inspection to determine whether a By-law passed under the Municipal Act, 2001, or a direction or order made under such By-law are being complied with; AND

**WHEREAS** section 444 of the Act provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

**NOW THEREFORE** the Council of The Corporation of the Municipality of Central Huron enacts as follows:

**1. Short Title**

**1.1** This By-law may be referred to as the "Dumping By-law."

**2. Definitions**

**2.1** In this By-law:

**"Costs"** means all monetary expenses incurred by the Municipality during and throughout the process to clean up refuse, including interest and may include an administrative surcharge amount as established by the Municipalities' Fees and Charges By-law.



“**Council**” means the Corporation of the Municipality of Central Huron.

“**Highway**” includes a common and public highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for the use by the public for the passage of vehicles and includes the area between the lateral property lines thereof.

“**Municipality**” means the Corporation of the Municipality of Central Huron or the land within the geographic limits of the Corporation of the Municipality of Central Huron as the context requires.

“**Occupant**” means any person over the age of eighteen years in possession of the Property.

“**Officer**” means a police officer, municipal law enforcement officer, or any other person appointed by By-law to enforce the provisions of this By-law.

“**Owner**” includes the registered owner of the property and,

- (a) the Person for the time being managing or receiving the rent of the property 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 property were let; and
- (b) a lessee or Occupant of the Property.

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

“**Property**” means any land, highway, or park within the Municipality.

“**Refuse**” shall have the meanings normally ascribed to them and, without limiting the generality of the foregoing, shall include.

- (a) The portions and containers of food unused or discarded in the preparation, serving, and consuming thereof.
- (b) All discarded material arising or resulting from the operation of households, business establishments and public places.
- (c) Brush, stones, surplus concrete or asphalt, broken or recycled concrete or broken or recycled asphalt

“**Watercourse**” means a natural channel where water flows between defined banks. The flow of water does not need to be constant, but the channel must be a permanent landmark.

### 3. General Provisions



- 3.1 No Person shall throw, place, deposit, dump, or cause or permit to be thrown placed, deposited or dumped refuse on any property owned by the Municipality or property being managed for the Municipality.
- 3.2 No Person shall throw, place, deposit, dump, or cause or permit to be thrown, placed, deposited, or dumped on any highway.
- 3.3 No Person shall throw, place, deposit, dump, or cause or permit to be thrown placed, deposited or dumped refuse on any private property.
- 3.4 No Person shall throw, place, deposit, dump, or cause or permit to be thrown placed, deposited or dumped refuse on any watercourse, or any environmentally protected areas as identified in the Municipalities' Zoning By-law, as amended from time to time.
- 3.5 No person shall shovel, plow, deposit, throw, cast, lay or cause any snow to be thrown on any highway.

#### **4. Exemptions**

- 4.1 Section 3.3 of this By-law shall not apply:
  - (a) Where a Person places, refuse on property in accordance with the applicable By-laws of the Municipality respecting garbage and waste collection.
  - (b) Where a Person places, construction materials for storage on that property during the construction process provided a building permit has been issued.
  - (c) Materials applied to land for agricultural purposes are exempt if considered a normal farm practice.

#### **5. Severability**

- 5.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of the Council of the Municipality that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

#### **6. Singular and Plural Use**

- 6.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

#### **7. Enforcement and Penalties**

- 7.1 An Officer shall enforce the provisions of this By-law.
- 7.2 An Officer may upon producing proper identification enter upon land at any reasonable time for the purpose of conducting an inspection to determine if the By-law is being complied with.





- 7.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 7.4 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 7.5 Every person who contravenes any provision of this By-law, upon conviction, is guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 7.6 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 7.7 If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and/or any penalty imposed, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.8 The Municipality may recover its costs for remedying a violation of this By-law by invoicing the person owing the costs, by initiating court proceedings or by adding the costs, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the *Municipal Act* and the exercise of any one remedy shall not preclude the exercise of any other available remedy.
- 7.9 All Costs owed to the Municipality are due and payable within thirty (30) days of the billing date set out on the invoice and, in the event of failure to pay the entire amount due within the said thirty (30) days, interest may be applied at the rate of 1.25% per month (15% annually).
- 7.10 Where a conflict arises between the provisions of this By-law and any other By-law of the Municipality, the more stringent provisions shall apply.


#### 8.0 Force & Effect


- 8.1 This Bylaw shall come into force and take effect on the date of enactment.

Read a first and second time this **5<sup>th</sup> day of May 2025**

Read a third time and finally passed this **5<sup>th</sup> day of May 2025**

**THAT THIS BY LAW BE ENACTED, SIGNED AND SEALED THIS 5<sup>th</sup> DAY OF MAY, 2025**

  
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Jim Ginn, Mayor

  
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Rachel Anstett, Clerk



PART 1 PROVINCIAL OFFENCES ACT

Municipality of Central Huron

By-law 36-2025 Dumping Bylaw

<b>Item Number</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Illegal Dumping – Municipal Property	3.1	\$750.00
2	Illegal Dumping - Highway	3.2	\$750.00
3	Illegal Dumping – Private Property	3.3	\$750.00
4	Illegal Dumping - Watercourse	3.4	\$750.00
5	Illegal Dumping – Snow	3.5	\$750.00

NOTE: The penalty provisions for offences listed above are Section 7.5 of By-law 36-2025, a certified copy of which has been filed.