

THE CORPORATION OF THE TOWNSHIP OF HARLEY

BY-LAW 2024-08

BEING A BY-LAW TO PROHIBIT THE DEPOSITING OF WASTE ON PRIVATE OR TOWNSHIP PROPERTY IN THE TOWNSHIP OF HARLEY

(LITTERING BY-LAW)

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25. provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance a municipalities' ability to respond to municipal issues; and

WHEREAS section 127 of the Municipal Act, 2001, S.O. 2001, c.25, 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 180 of the Highway Traffic Act, R.S.O. 1990, c. H.8, s. 180. states that every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway.

NOW THEREFORE the Council of the Corporation of the Township of Harley hereby enacts the following as a by-law:

1. That the Schedule attached hereto shall form part of this by-law as 'Schedule A'; and
2. That the Clerk-Treasurer for the Township of Harley is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law; and
3. That this by-law shall come into force and effect upon final passing thereof and remain in force and effect until such time as it is repealed by the Council of the Corporation of the Township of Harley.

READ a FIRST, SECOND, and THIRD TIME and FINALLY PASSED this 9th, day of July, 2024.





REEVE



CLERK

Certified True Copy



The Corporation of the Township of Harley
Schedule 'A' to
By-Law 2024-08: 'Littering By-Law'
Part I Provincial Offences Act

1 DEFINITIONS

- 1.1 **Deposit** includes drop, throw, dump, place or store, or otherwise dispose of.
- 1.2 **Land** for the purposes of this by-law includes all private and public property located in the Township, and includes all lands, streets, roads, sidewalks, buildings or structures owned or operated by or on behalf of the Township;
- 1.3 **Officer** shall mean a Police Officer, or By-Law Enforcement Officer of the Municipal Corporation of the Township of Harley designated pursuant to the Provincial Offences Act.
- 1.4 **Owner** includes the registered owner, occupant, tenant, person for the time being managing or receiving the rent of the property whether on his own account or on account of an agent or trustee of any other person, or any one of the aforesaid;
- 1.5 **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.
- 1.6 **Refuse or debris** includes but is not limited to waste, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, shall include septic tank liquid, wet and dry sewage disposal sludge, cesspools and holding tanks for human excrement, paper handbills, animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture, and household affects, inoperative mechanical equipment, inoperative motor vehicles and motor vehicle parts and accessories and other vehicles, machinery, equipment, kitchen wastes, lumber, packing materials, containers, packages, and any deserted or discarded article, product or goods of manufacture paper, soil, soot, grass clippings, tree trimmings and pruning's, garden waste, stumps, branches automobile tires, used oil and automobile parts.
- 1.7 **Township** means the Corporation of the Township of Harley;
- 1.8 **Watercourse** means an open channel, river, ditch or depression either natural or artificial, in which the flow of water occurs either continuously or intermittently.

The Corporation of the Township of Harley
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2 GENERAL PROVISIONS

- 2.1 No person shall deposit or aid in the depositing of refuse or debris on any highway or road allowance within the Township without the written consent of the owner of such land.
 - 2.2 No person shall deposit or aid in the depositing of refuse or debris on private property within the Township without the written consent of the owner of such land.
 - 2.3 No person shall deposit or aid in the depositing of refuse or debris on Township property, except in a receptacle approved by the Township for that purpose.
 - 2.4 Where the person who owned or deposited any refuse or debris on Township property can be determined, that person shall be required, upon receipt of written notice from the Township, to remove said waste within 72 hours of receipt of said notice.
 - 2.5 No person shall refuse or fail to remove any waste in accordance with notice referred to in Section 2.4.
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3 REMEDIATION

- 3.1 Where an owner of property is in default of doing any matter or thing directed or required to be done under this by-law, an Officer may direct the completion and enforcement of such at the owner's expense.
- 3.2 Where any waste is removed in accordance with subsection 3.1, such waste may be immediately disposed of by the Officer in such a manner as the Officer sees fit.
- 3.3 The Township may recover the costs and expense of remedial action and enforcement incurred by the Township under subsections 3.1 and 3.2 by action, or by adding such costs and expense to the tax roll of the subject property and collecting such costs in the same manner as taxes in accordance with section 446 of the Municipal Act.
- 3.4 The Township may invoice owners requesting voluntary payment of said remedial action costs prior to recovering the costs incurred in subsection 3.1 and pursuant to section 446 of the Municipal Act by adding costs to the Municipal taxes.

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4 ENFORCEMENT, POWERS OF ENTRY, INSPECTIONS, PROHIBITIONS

- 4.1 An Officer, or any other individual authorized to enforce this by-law on behalf of the Township, may at any reasonable time enter upon any land for the purpose of carrying out an inspection.
- 4.2 Where an inspection is conducted pursuant to this section, the Officer 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 and extracts;
 - c) Require information from any person concerning a matter related to the inspections.
- 4.3 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, or any person lawfully acting in aid of such an Officer.
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5 OFFENCES AND PENALTY

- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to fine as provided for by the *Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended*.
- 5.2 Pursuant to section 429(2) of the Municipal Act, all contraventions of this by-law or orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

The Corporation of the Township of Harley
Schedule 'A' to
By-Law 2024-08: 'Littering By-Law'
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6 FINE

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Deposit or aid in depositing refuse or debris on any highway or road allowance within the Township.	Sch. 'A', s. 2.1	\$250.00
2	Deposit or aid in depositing refuse or debris on private property.	Sch. 'A', s. 2.2	\$250.00
3	Refuse or fail to remove any refuse or debris upon receipt of notice under section 2.4 of By-Law 2024-08.	Sch. 'A', s. 2.5	\$250.00
4	Hinder or obstruct the Township, its employees officers or agents.	Sch. 'A', s. 4.3	\$400.00

Note: The general penalty provision for the offences listed above is Schedule 'A' section 5.1 of by-law 2024-08, a certified copy of which has been filed.

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

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

July 30, 2024

Krystle Seymour, Clerk-Treasurer
Township of Harley
903303 Hanbury Road
New Liskeard, ON
P0J 1P0

Dear Ms. Seymour:

**Re: Set Fines – Provincial Offences Act – Part I
Township of Harley, Temiskaming District**

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-law No. 2024-08 the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Temiskaming District.

The setting of the fines does not constitute my approval of the short form of wording used to describe the Offences.

I have forwarded a copy of the Order and the schedule of the set fines to the Ontario Court of Justice in Haileybury.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd
Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace
Her Worship Christine Leclair, Local Administrative Justice of the Peace

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July 30, 2024

Ms. Melissa Adams, Crown Counsel
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M7A 2S9

Dear Ms. Adams:

Re: Set Fines - Provincial Offences Act - Part I
Township of Harley, Temiskaming District

Please find enclosed a copy of an Order dated July 30, 2024, and a copy of a letter to Krystle Seymour on behalf of the Township of Harley.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Enclosures

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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. 2024-08 of the Township of Harley, Temiskaming District, attached hereto is the set fine, for those Offences. This Order is to take effect July 30, 2024.

Dated at the City of Greater Sudbury, this 30th day of July, 2024.

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

The Corporation of the Township of Harley
By-Law 2024-08: 'Littering By-Law'
Part I Provincial Offences Act

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4	Hinder or obstruct the Township, its employees officers or agents.	Sch. 'A', s. 4.3	\$400.00

Note: The general penalty provision for the offences listed above is Schedule 'A' section 5.1 of by-law 2024-08, a certified copy of which has been filed.

K. Kraschke