



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 321-2009

A By-law to Amend  
Refuse By-law 381-2005, as amended  
(Refuse and Dumping By-law)

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WHEREAS Section 127 of the *Municipal Act, 2001*, as amended ("*Municipal Act*") permits a local municipality to require owners and occupants to clean and clear land, not including buildings;

AND WHEREAS Section 128 permits a local municipality to prohibit and regulate with respect to public nuisances;

AND WHEREAS Section 446 permits a local municipality to direct that where an owner has defaulted, the municipality may have the default remedied at the owner's expense and add the cost to the tax roll;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BRAMPTON  
HEREBY ENACTS AS FOLLOWS:

1. Refuse By-law 381-2005 of The Corporation of the City of Brampton is amended as follows:

(1) The title is repealed and replaced by the following:

Refuse and Dumping By-law 381-2005

To prohibit the dumping of refuse in Brampton and to require that owners and occupants of lands in Brampton keep their land clear of refuse, graffiti and stagnant water

(2) The first paragraph of the recitals is repealed.

- (3) The second paragraph of the recitals is repealed.
- (4) The third paragraph of the recitals is amended by deleting the word "AND" immediately before "WHEREAS" and by replacing the words "*Municipal Act*" with the words "*Municipal Act, 2001, S.O. 2001, c. 25, as amended ("Municipal Act")*".
- (5) The fifth paragraph of the recitals is amended by replacing "427" with "446" in its place.
- (6) Section 1 is amended as follows:
  - a) The first letter of each word that appears in quotations is capitalized;
  - b) The definition of "accessory building" is repealed;
  - c) The definition of "By-law officer" is repealed and replaced by the following:

"By-law Officer" means a Property Standards Officer or any other enforcement officer appointed to enforce and administer the City's by-laws.
  - d) The following definitions are added immediately after the definition of "Director":

"Graffiti" means unauthorized writing or drawing on a surface.

"Local Public Bodies", means any municipal business corporation, school board, public utility commission, transportation commission, public library board, local board of health, board of Commissioners of police or any other board, commission, committee, board or local authority under any general or special Act with respect to the affairs or purposes of the City, the Regional Municipality of Peel or any part thereof, and includes the Peel District School Board, the Dufferin-Peel Catholic District School Board, Conseil Scolaire de District du Centre-Sud-Ouest and Conseil Scolaire de District Catholique Centre-Sud.
  - e) The definition of "owner" is amended by adding the words "legal or" immediately before the words "beneficial owner" and by deleting all words that follow sub-paragraph (d), beginning with, and including, "but does not include any of the following".
  - f) The definition of "private property" is repealed and replaced with the following:

"Private Property" means land which is not owned by the City, its Local Public Bodies and agencies; the Regional

Municipality of Peel, its Local Public Bodies and agencies; the Toronto and Region Conservation Authority; Credit Valley Conservation; the Crown in Right of Ontario, and its boards, commissions and agencies; and the Crown in Right of Canada and its boards, commissions or agencies; and crown corporations.”

- g) The definition of “property” is repealed.
- h) The following definition is added immediately after the definition of “Repair”:

“Stagnant Water” means sitting water that provides and environment for bacteria to grow.

- i) The definition of “yard” is repealed.

- (7) Section 3 is amended by replacing the words “refuse as defined in this by law is” with the words “Refuse, Graffiti and Stagnant Water are each”.

- (8) Section 4 is repealed and replaced by the following:

- 4. No person shall:
  - (a) place Refuse or Graffiti,
  - or
  - (b) permit Refuse or Graffiti to be placed,

upon Private Property without the consent of the Owner of the property.

- (9) The following sections are added immediately after section 4:

4.1 The presence of a “No Dumping” sign shall be deemed to indicate a lack of consent on the part of an Owner of Private Property.

4.2 No person shall:

- (a) place Refuse or Graffiti,
- or
- (b) permit Refuse or Graffiti to be placed,

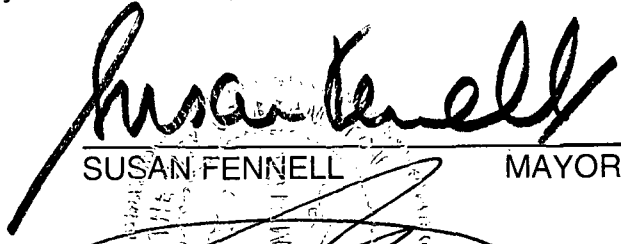
upon the property of the City or its Local Public Bodies or agencies, the property of the Regional Municipality of Peel or its Local Public Bodies or agencies, the property of Credit Valley Conservation or the property of the Toronto Regional Conservation Authority, without the written consent of the Owner.


- (10) Section 5 is amended by replacing the words “of privately owned property” with “of Private Property”, and by replacing the word “refuse” with “Refuse, Graffiti or Stagnant Water”.

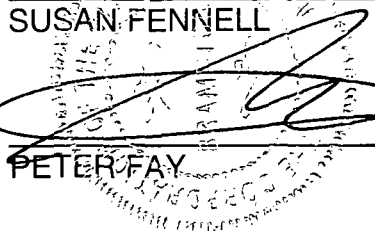
- (11) Section 6 is amended by replacing "3 and 4" with "4, 4.1, 4.2, and 5", and by replacing the words "refuse which is" with "Refuse, Graffiti or Stagnant Water".
- (12) Section 7 is amended as follows:
- a) Each time that the word "owner", "yard waste" or "waste" appears in this section, it is capitalized;
  - b) The number "3" is replaced by "4 or 4.2";
  - c) The number "4" is replaced by "5"; and
  - d) The word "schedule" is replaced by "scheduled" each time that it appears in this section.
- (13) Section 8 is repealed and replaced with the following:
8. Prior to taking any action under Section 12 or 15, the Director or any By-law Enforcement Officer shall Deliver a notice requiring the Owner or occupant of a property to,
- (a) remove Refuse, Graffiti or Stagnant Water from the property;
  - (b) refrain from placing or permitting Refuse, Graffiti or Stagnant Water to be placed on the property;
  - or
  - (c) undertake the necessary works required to bring the property to a clean and tidy condition,
- within the time specified in the notice.
- (14) Section 11 is amended by replacing "430" with "437".
- (15) Section 12 is amended by capitalizing the word "Owner" where it appears in this section.
- (16) Section 13 is amended as follows:
- a) by adding "or his or her designate" immediately after the word "Director";
  - b) by replacing "Clause 431(c)" with "paragraph 5 of Section 435(1)" immediately before the words "*Municipal Act*"; and
  - c) by deleting the words "Clause 431(d)".

(17) Section 17 is amended by adding "and Dumping" immediately after the word "Refuse".

READ a FIRST, SECOND, and THIRD TIME and PASSED in OPEN COUNCIL, this 9<sup>th</sup> day of November, 2009.

  
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SUSAN FENNELL                      MAYOR

  
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PETER FAY                              CLERK



Approved as to content & form

  
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