



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 381-2005

To provide for the cleaning and clearing of refuse from land and to provide that in default of the owner or occupant cleaning and clearing the refuse that the City may do such work at the expense of the owner (The Refuse By-law), to amend User Fee By-law 380-2003, as amended and to repeal By-law 167-91

WHEREAS Sections 2 of the *Municipal Act, 2001*, S.O. 2001, c. 25 expresses the principle that the powers and duties of municipalities include the provision of services that the municipality considers necessary or desirable, and fostering the current and future economic, social and environmental well-being of the municipality;

AND WHEREAS Sections 8, 9, 10 and 11 of the *Municipal Act* permit a lower tier municipality to pass by-laws respecting waste collection, collection of sanitary sewage, collection of storm water and drainage and flood control;

AND WHEREAS Section 127 of the *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 427 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;

NOW THEREFORE, the Council of the Corporation of the City of Brampton ENACTS as follows:

## 1. DEFINITIONS:

**Accessory Building** means a detached building or structure subordinate to a main building or structure and includes any building or structure the use of which is incidental to that of a main building or structure, and shall include garages, driveways, sheds, barns, and similar storage facilities.

**By-law Officer** means a Property Standards Officer or other municipal law enforcement officer.

**City** means the Corporation of the City of Brampton.

**City property** means the land situated within the City that is owned or controlled by the City.

**Deliver** means to serve by:

- a. personal service, and for a corporation means leaving a copy of the document with an officer, director or agent of the corporation, or with a person at any place of business of the corporation who appears to be in control or management of the place of business;
- b. by ordinary or certified mail to the occupant at the address of the property or to the owner at the address as shown on the last revised assessment roll, in which case service is effective five days after the date of mailing;
- c. by courier;
- d. by leaving or posting at the property for service on the occupant, and at the address as shown on the last revised assessment roll for the owner and service is effective the day after the posting; or
- e. by email, but only if the receiver of the email provides an acknowledgement the notice was received, and in such circumstances, the service is effective as of the time of the acknowledgement.

**Director** means the Director of Enforcement and By-law Services.

**Non-Private Owners** include the City, a local board or agency; the Regional Municipality of Peel, its boards and agencies; the Toronto and Region Conservation Authority; the Credit Valley Conservation Authority; the Crown in the Right of Ontario, and its boards, commissions and agencies; and the Crown in the Right of Canada and its boards, commissions or agencies; and crown corporations.

**Owner** includes

- a. the person for the time being managing or receiving the rent of the land, or premises, in connection with which the word is used whether on his, or her own account or as agent, or trustee of any other person, or who would so receive the rent if such land and premises were let;
- b. the beneficial owner;
- c. a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property; and
- d. manager of the property.

**Person** includes any natural person, firm, partnership, association, corporation, company or organization of any kind.

**Private property** means land which is not owned by a non-private owner;

**Property** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, on which there are no structures of any kind.

**Refuse** includes:

- a. Debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business, and without limiting the generality of the foregoing, includes all of the items in the definition of waste;
- b. Vehicle parts or accessories;
- c. Furniture, appliances, machinery, barbeques or parts thereof;

- d. Animal excrement; and
- e. Without restricting the foregoing, any unused or unusable material that by reason of its state, condition or excessive accumulation:
  - i. Appears to have been cast aside, discarded or abandoned;
  - ii. Appears to be worthless, useless or of no particular value; or
  - iii. Appears to be used up, expended or worn out in whole or in part.

**Repair** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.

**Waste** includes garbage, special collection materials, recyclable materials, organic materials, yard waste and prohibited waste.

**Vehicle** includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.

**Yard** means the land, owned by non-private owner, around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.

**Yard Waste** includes plant cuttings, roots, weeds, leaves, hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter, natural christmas trees and any other item designated as yard waste by the Director.

#### **Administration**

- 2. The Director or his or her designate shall be responsible for the administration and enforcement of this by-law.

#### **Declaration by Council**

- 3. Council declares that refuse as defined in this by-law is a public nuisance within the meaning of Section 128 of the *Municipal Act* and this opinion is arrived at in good faith.

#### **Refuse**

- 4. No person shall:
  - (a) throw refuse, place refuse, deposit refuse, cause refuse to be placed,
  - or
  - (b) permit refuse to be placed upon private property, or other land, without the consent of the owner of the property.

#### **Removal of Refuse**

- 5. Owners and occupants of privately owned property shall remove refuse from their property so that the property is in a clean and tidy condition.
- 6. The obligations in sections 3 and 4 shall not apply to refuse which is in or on buildings.
- 7. (a) An owner or occupant of a property does not breach section 3, or incur the obligation in section 4, by placing garbage, recyclables, yard waste or garden trimmings out for pickup, so long as the placement occurs later than 7:00 p.m. on a day preceding a schedule collection day or no later than 7:00 a.m. on a schedule collection day.

- (b) Every owner and occupant shall ensure that receptacles and uncollected waste is removed from the place at which it was set out no later than 8:00 p.m. on the scheduled collection day.

#### Notice

8. Prior to taking any action under Section 12 or 15, the Director or any By-Law Officer shall deliver a notice requiring the owner or occupant of a property to,
- (a) clear, or remove refuse from the property;
  - (b) refrain or stop throwing, placing or disposing of refuse 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.
9. Every notice referred to in Section 8 shall identify the property.

#### Entry on Premises

10. A By-law Officer, or any employee or agent of the City may enter at all reasonable times upon any property to ascertain whether the provisions of this by-law are obeyed and to enforce and carry into effect the provisions of this by-law.
11. Section 10 does not give a person the power to enter a dwelling room or place actually being used as a dwelling, unless the person has complied with Section 430 of the *Municipal Act*.

#### Default

12. (a) Where the owner is in default of doing the matter required to be done under this by-law, the Director may have the matter done and the cost thereof, including an administration fee, shall be added to the property tax rolls of the owner and collected in the like manner as municipal taxes.
- (b) The minimum administration fee is \$200.
13. When the Director orders work to be done under this by-law, Clause 431(c) of the *Municipal Act* does not require the work ordered by the Director to be undone, and Clause 431(d) does not require the City to provide compensation as a result of doing the remedial work.
14. Schedule B of User Fee By law 380-2003, is further amended by inserting the following in "Other Matters":

Refuse pickup administration fee	\$200.00, or 15% of pickup charge, whichever is greater
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#### Penalty

15. In addition to any other remedy, every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.00 exclusive of costs or to imprisonment for a term of not more than 21, days, or both.

**Repeal**

16. By-law 167-91 is repealed.

**Short Title**

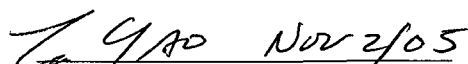
17. This by-law may be referred to as the Refuse By-Law.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL  
this 28<sup>th</sup> day of November, 2005.

  
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SUSAN FENNELL  
MAYOR

  
\_\_\_\_\_  
LEONARD J. MIKULICH  
CLERK

Approved as to form and content

  
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Ted Yao, Counsel