

BY-LAW NUMBER 141-2007

OF THE CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A by-law prohibiting the littering and/or
dumping on private and municipal property in
the Municipality of Chatham-Kent.

FINALLY PASSED on the 9th day of July, 2007.

WHEREAS Section 127, of the Municipal Act, S.O. 2001 authorizes a municipality to prohibit the throwing, placing or depositing of refuse or debris on private property or on property of the municipality of any local board thereof without authority from the owner or occupant of such property;

AND WHEREAS Section 75(1), of the Municipal Act, S.O. 2001 authorizes a municipality to prohibit or regulate and inspect the use of any land or structures within the municipality or any defined area or areas thereof for dumping or depositing of garbage, refuse, or domestic or industrial waste or any kind;

NOW THEREFORE the Council of The Corporation of the Municipality of Chatham-Kent enacts as follows:

1. Definitions
 - a) "Domestic Waste" means any article, things, matter or any effluent belonging to or associated with a house or household or concerning or relating to the home or family that appears to be waste material; and for greater certainty, but not so far as to restrict the generality of the foregoing terms of this clause it is hereby declared that domestic waste extends to the following classes of waste material:
 - i. Accumulations, deposits, leavings, litter, remains, rubbish, trash and dead branches;
 - ii. Refrigerators, stoves, freezers or other household appliances, or any other parts thereof;
 - iii. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks, or plumbing fixtures;
 - iv. Inoperative motor vehicles; trailers, vehicle parts and accessories;
 - v. Paper, cartons, fabrics and carpets;
 - vi. Furniture;
 - vii. Crockery;
 - viii. Sewage;
 - ix. Rubble, inert fill including but not limited to granular and/or soil materials
 - b. "Garbage" has the same meaning as waste material
 - c. "Highway" means a common and public highway and shall include but not limited to the boulevards and sidewalks.
 - d. "Industrial Waste" means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that industrial waste extends to the following classes of waste material:
 - i. Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
 - Agricultural, animal, vegetable, paper, lumber, or wood products,

- Mineral, metal, or chemical products,
 - Whether or not products are manufactured or otherwise processed
- ii. Automotive parts, inoperative motor vehicles, trailers, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment
 - iii. Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing, conduits or cable
 - iv. Containers or pallets of any size, type or composition
 - v. Material resulting from or as part of, construction or demolition projects
 - vi. Rubble, inert fill including but not limited to granular and/or soil materials
 - vii. Bones, feathers, hides
 - viii. Sewage
- e. “Municipality” means the Municipality of Chatham-Kent
 - f. “Refuse” has the same meaning as waste material
 - g. “Debris” has the same meaning as waste material
 - h. “Waste material” means material or effluent that
 - i. Appears to have been cast aside or discarded or abandoned; or
 - ii. Appears to be worthless or useless or of no practical value; or
 - iii. Appears to be used up, in whole or in part, or expended or worn out in whole or in part.

2. By-law Regulations

No person shall in the Municipality of Chatham-Kent, throw, place or deposit any refuse or debris on:

- i. private property
 - ii. property of The Corporation of the Municipality of Chatham-Kent
 - iii. property of any local board of the Municipality of Chatham-Kent
 - iv. highways, except in receptacles provided for the purpose of depositing refuse.
- without authorization from the owner or occupant of such property.

3. No person shall use any land or structure within the limits of the Municipality of Chatham-Kent for dumping or disposal of garbage, refuse, domestic, industrial, construction waste or waste material of any kind.

4. Section 2 of this by-law does not apply to:

- i. land or structures used by the municipality for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste during normal business hours
- ii. land designated by a by-law of the municipality for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste during normal business hours.

5. Enforcement

This by-law shall be enforced by Chatham-Kent Police and municipal By-law Enforcement Officers designated for the purposes of enforcing this By-law.

6. Penalty

Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000), exclusive of the costs and every such fine is recoverable under the Provincial Offences Act.

7. Repeal

That any prior resolution, the provision of any prior resolution or by-law inconsistent with the terms of this by-law be and they are hereby repealed.

This by-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this 9th day of July, 2007

ORIGINAL SIGNED BY:

MAYOR – Randy R. Hope

ORIGINAL SIGNED BY:

CLERK – Elinor Mifflin

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

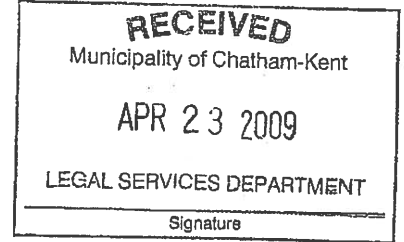


CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

COURT HOUSE
15TH FLOOR, UNIT "G"
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April 17, 2009



Ms. Carol Holling
Acting Director, Legal Services
315 King Street West, P.O. Box 640
Chatham, Ontario
N7M 5K8

Dear Ms. Holling:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 141-2007, of the Municipality of Chatham-Kent**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

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

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Chatham together with a certified copy of the By-law.

Yours truly,


Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures

/pp

cc: Manager, Provincial Offences Court

ONTARIO COURT OF JUSTICE

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. 141-2007, of the Municipality of Chatham-Kent, attached hereto are the set fines for those offences. This Order is to take effect April 17, 2009.

Dated at London this 17th day of April, 2009



Kathleen E. McGowan
Regional Senior Justice
West Region

The Corporation of the Municipality of Chatham-Kent

By-Law No. 141-2007

Set Fine Schedule

A By-Law to Prohibit the littering and/or dumping on private and municipal property in the Municipality of Chatham-Kent

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Throw, place or deposit any refuse or debris on private property	s. 2 (i)	\$100.00
2	Throw, place or deposit any refuse or debris on property of The Corporation of the Municipality of Chatham-Kent	s. 2 (ii)	\$100.00
3.	Throw, place or deposit any refuse or debris on property of any local board of the Municipality of Chatham-Kent	s. 2 (iii)	\$100.00
4.	Throw, place or deposit any refuse or debris on highways, except in receptacles	s. 2. (iv)	\$100.00

Note: The general penalty provision for the offences listed above is section 6 of by-law 141-2007, a certified copy of which has been filed.

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

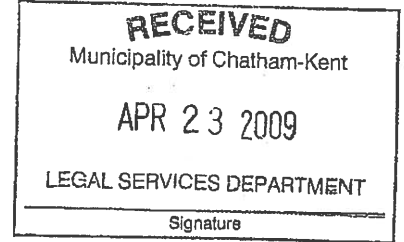


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