



Corporation of the Town of Newmarket

By-law Number 2017-19

A By-law to establish and maintain a system for collection, removal and disposal of garbage, other refuse, yard waste materials, recyclable materials including blue bin materials and source separated organics in the Town of Newmarket.

Whereas the provisions of Section 75(1) and 127 of the *Municipal Act*, 2001, as amended (the "Act"), authorizes municipalities to enact by-laws to maintain a system for the collection and disposal of refuse.

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. Definitions

In this by-law:

- 1.1 "ADU" means an accessory dwelling unit that has been registered with the Town in accordance with By-Law 2003-106 as amended.
- 1.2 "Ashes" means the solid residue of any fuel used for heating or cooking purposes and cleanings from chimneys.
- 1.3 "Approved Receptacles" shall have the meaning described in section 4.8.
- 1.4 "Backyard Composters" means any composter, distributed or sold by the Town or designate.
- 1.5 "Blue Bin" means open topped plastic containers that are clearly and easily identifiable as containing Blue Bin Recyclables, and which shall be capable of containing all materials without spillage and which shall not exceed 53 cm (21 inches) in height and 40 cm (16 inches) in width and 48 cm (19 inches) in length or 22 gallons (83 litres). A receptacle used for the Collection of Blue Box Recyclables as may be approved by the Director and distributed or sold by the Town or designate.
- 1.6 "Blue Bin Recyclables" means any refuse that is listed in Schedule 'A' of this by-law under Blue Bin Recyclables.
- 1.7 "Bulk Container" means a receptacle which is approved by the Director for the collection and disposal of Refuse, where any person has arranged privately, at his own expense and liability, for Collection.
- 1.8 "Bulk Items" means any Refuse that is listed in Schedule 'A' of this by-law under Bulk Items.
- 1.9 "Bundle" means a bundle of magazines, newspapers, cardboard or waste paper which is securely tied with a non-metallic material and weighs less than twenty-two (22) Kilograms (50lbs), or a bundle of branches, twigs or cuttings, which is securely tied with a non-metallic material and which does not exceed 1.2 meters in any

physical dimension and does not exceed twenty-two (22) kilograms (50lbs) in weight.

- 1.10 "Collectible Waste" means garbage, yard waste, recyclable material, source separated organic material, special waste and white goods.
- 1.11 "Collection" means the collection of collectible waste and includes delivery to a waste management site, a materials recovery and transfer facility or any other facility designated by a designated municipal official.
- 1.12 "Commercial Premises" means premises located within a Residential Zone, or the Historical Main Street District, that are used for a permitted commercial use as such use is defined in the Zoning By-Law.
- 1.13 "Compostable Material" means any organic material such as food, grass, leaf and brush as may be designated by a municipal official from time to time.
- 1.14 "Composter" means a retail or home-made unit of reasonable appearance and in a reasonable condition, or one that is distributed or sold by the town that is intended to accommodate and enhance the decomposition of organic materials into a compost soil or soil supplement.
- 1.15 "Container" means an approved receptacle used to place Collectible Waste at the curbside for Collection. Examples include garbage bag or rigid container such as a garbage can with two open rigid handles, leaf and yard waste paper bag, compostable plastic bags, municipally issued green bin, municipally issued blue bin or other plastic container deemed suitable by the designated municipal official for collectable waste.
- 1.16 "Containerized Collection" means the collection of waste (or other material as specified) via front end loading trucks. These containers are typically referred to as dumpsters.
- 1.17 "Contractor" means any person, company or corporation under contract with the Town of Newmarket to remove refuse throughout the town including the employees of a contractor and includes the Public Works Services Department for the Town of Newmarket.
- 1.18 "Corporation" means the corporation of the Town of Newmarket and may include, for the purposes of collection of garbage and recyclable materials or for the purposes of the distribution of tags, any person, company or corporation under contract with the town to remove garbage, other refuse and recyclable materials throughout the town or to distribute tags and for such purposes includes all employees, agents or servants of such person, company or corporation.
- 1.19 "Designated Collection Area" means that area of the municipality that is designated to receive the collection of garbage, other refuse, yard waste material, special waste, and recyclables material including blue box and source separated organic material either singularly or in total.
- 1.20 "Designated Municipal Official" means the Director of Public Works Services or person(s) designated by the Director of Public Works Services.

- 1.21 "Director" means the Director of Public Works Services or designate(s).
- 1.22 "Dwelling Unit" means a room or a suite of rooms that may be occupied in compliance with all applicable law as a separate housekeeping unit, used or intended to be used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities. A Dwelling Unit includes an ADU.
- 1.23 "Electronic Waste" means any refuse that is listed in Schedule "C" of this by-law under Electronic Waste or refuse that is listed as an acceptable item under the Ontario Electronic Stewardship program. This includes any other Refuse so designated by the Director or designated municipal official from time to time.
- 1.24 "Garbage" means any refuse that is listed in Schedule 'A' of this bylaw under Garbage. It generally refers to any collectable waste which is not recyclable material, source separated organics, large metal appliances or yard waste.
- 1.25 "Garbage Container" means a rigid container having two open rigid handles with a capacity of not more than 125 litres weighing with contents not more than 22 kg (50lbs) each or other type of container for the storing and setting out of garbage.
- 1.26 "Green Bin" means a receptacle that is clearly and easily identifiable as containing Source Separated Organics. The Green Bin shall be capable of containing all materials without spillage and which shall not exceed 69cm (27 inches) in height and 40cm (16 inches) in width and 46 cm (18 inches) in length or 12 gallons (45 litres). A green bin receptacle used for collection of Source Separated Organics as may be approved by the director, and distributed or sold by the town or designate.
- 1.27 "Hazardous Material" means any refuse that is listed in Schedule "A" of this by-law under Hazardous Waste. It generally means any household product, material or item labelled as "corrosive", "toxic", "reactive", "explosive", "oxidizing", "poisonous", "infectious", "flammable" or as defined in the regulation to the Environmental Protection Act, as amended from time to time. This includes any other refuse so designated by the Director or designated municipal official from time to time.
- 1.28 "ICI Locations" means Industrial, Commercial and Institutional premises located within a Residential Zone, or the Historical Main Street District, which premises are being used for a permitted institutional use as such use is defined in the Zoning By-Law.
- 1.29 "Intermittently Collected Refuse" means refuse such as white goods, yard waste, Christmas tree pick up or special waste.
- 1.30 "Kitchen Container" means a receptacle used for the residential storage of Source Separated Organics as may be approved by the Director and distributed or sold by the Town or designate.
- 1.31 "Loose Material" means loose or un-bagged material in the garbage that may pose a Health & Safety hazard to the collection operator when in the process of dumping the material into the vehicle.

- 1.32 "Materials Recovery and Transfer Facility" means a facility that receives Collectible Waste, Blue box recycling, Source Separated Organics etc. for processing.
- 1.33 "Multiple Offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.
- 1.34 "Multi-Residential Premises" means any structure designated by the Director and which is legally used or operated to accommodate six or more multiple dwelling units.
- 1.35 "Municipality" means the geographic area comprising the Town of Newmarket.
- 1.36 "N6" means a group formed by the Town of Newmarket, Town of Whitechurch-Stouffville, Aurora, Town of East Gwillimbury, Township of King and Georgina.
- 1.37 "Non-Collectible Waste" means any Refuse that is listed in Schedule 'A' of this by-law under Non Collectible Waste and any materials or refuse that is listed as an acceptable item under the Ontario Electronic Stewardship program. This includes any other refuse so designated by the Director or designated municipal official from time to time.
- 1.38 "OCC" means old corrugated cardboard which is a recyclable material.
- 1.39 "Owner" means the registered owner, a mortgagee in possession, tenant, or occupier of property or premises located within the Municipality.
- 1.40 "Recyclable material" means any refuse that is listed in Schedule "A" of this By-law under the heading Recyclables Materials. This includes any other recyclable material so designated by the Director or designated municipal official from time to time.
- 1.41 "Refuse" means any object, material, or substance that has been discarded by any person or that is no longer in use or reasonably intended to be used by any person having ownership or control over such object, material or substance.
- 1.42 "Residential Zone" has the meaning ascribed thereto in the Zoning By-law.
- 1.43 "Regular Fine" means a fine levied pursuant to section 11.6.
- 1.44 "Regularly Collected Refuse" means any refuse that is not intermittently collected refuse or prohibited refuse. Blue box, green bin and garbage are considered regularly collected refuse
- 1.45 "Residential Premises" means any structure located in a Residential Zone that contains at least one but not more than five Dwelling Units that are used for a permitted residential use as such use is defined in the Zoning By-Law.
- 1.46 "Scavenge" means to sort through, pick over, interfere with, disturb, remove or scatter refuse or material that is set out for collection.
- 1.47 "Special Fine" has the meaning ascribed thereto in section 11.7.

- 1.48 "Special Waste" means bulk items such as furniture, carpet, appliances and large metal items and such other items as are defined under the headings "Bulk Items" and "Large Metal Appliances".
- 1.49 "Source Separated Organics" (S.S.O.) means any Refuse that is listed in Schedule 'A' of this by-law under Source Separated Organics or in Schedule "B" as an SSO Accepted Item be contained in a certified compostable bag collection. This includes any other refuse so designated by the Director or designated municipal official from time to time
- 1.50 "Tag" means a sticker purchased from the Town for the purpose of being affixed to a Container/Bag or an item of Special Waste.
- 1.51 "Town" means the Corporation of the Town of Newmarket.
- 1.52 "Travelled Road" means the portion intended for travel of a common or public highway used by the general public for the passage of vehicles within the limits of the Town of Newmarket and includes private roads upon which placement and collection of collectable garbage is approved by the Director of Public Works.
- 1.53 "White Goods" means any Refuse that is identified in Schedule "A" to this by-law under White Goods.
- 1.54 "Yard Waste" means organic materials, including leaves, hedge trimming, tree pruning, weeds, yard plants, shrubbery, brush, Christmas trees, tree trimming, pumpkins, or other garden debris identified in Schedule "A". Yard Waste does not include food waste or grass. This includes any other refuse so designated by the Director or designated municipal official from time to time
- 1.55 "Zoning By-Law" means any zoning by-law enacted or amended by the Town from time to time.
2. Lands to which this By-law applies
- 2.1 This by-law shall apply to all lands within the jurisdiction of the Town.
3. Establishment of a collection system
- 3.1 A system is hereby established for the Collection of Collectible Waste from person's resident in, or doing business from, premises located within the Municipality.
4. Responsibilities of property owners and occupants
- 4.1 No person shall set out any Refuse for Collection other than in accordance with this by-law.
- 4.2 No person shall deposit any Refuse on private or public property without the expressed written authorization of the Owner of such property.

- 4.3 No person shall place any refuse for collection and disposal or permit any refuse to remain on lands and premises over which a person has control or where a person is an owner, occupant, lessee, tenant or mortgagee in possession, where such refuse constitutes a nuisance or a hazard to members of the public, emits foul or offensive odors or attracts or harbors vermin or insects.
- 4.4 No person shall set out Regularly Collected Refuse for Collection except on such regular and recurring days, routes, and times as are designated by the Director from time to time.
- 4.5 No person shall set out prohibited refuse for collection and disposal by the contractor.
- 4.6 No person shall set out regularly collected refuse for collection and disposal by the contractor, except on such regular and recurring days and at such times as are designated by the Director or designated municipal official.
- 4.7 No person shall set out prohibited intermittently collected refuse for collection and disposal by the contractor except on such intermittent days and times as are designated by the Director or designated municipal official.
- 4.8 Approved Receptacles and Bundles shall be placed as close as possible to the curb or pavement edge of the road, without obstructing vehicular or pedestrian traffic or street maintenance and shall not be placed on top of snow banks. In the event of a dispute as to the acceptable location, the appropriate location shall be determined by the Director or designated municipal official.
- 4.9 Approved Receptacles and Bundles shall not be placed at the curb or pavement edge before 5:00 p.m. on the day immediately preceding the day designated for Collection. Approved Receptacles and Bundles shall be placed at the curb or pavement edge no later than 7:00 a.m. on the day of Collection. All emptied receptacles and uncollected Refuse shall be removed from the curb or pavement edge before 8:00 p.m. on the day of Collection.
- 4.10 No person shall set out a receptacle for Collection that contains Liquids, Warm Ashes, Electronics or Hazardous Waste.

5. Collectible waste restrictions

- 5.1 The number of untagged Garbage Containers/Bags put out for Collection from any Residential Premises on any Collection day shall not exceed three (3) for Containers/Bags for each Dwelling Unit or the number of Containers/Bags specified by the Director from time to time. Additional Containers/Bags put out for Collection will not be collected unless Tags have been affixed to them. The maximum number of Containers/Bags set out for Collection from any Residential Premises, tagged or untagged, shall not exceed six (6) for each Dwelling Unit.
- 5.2 The number of untagged Garbage Containers/Bags put out for Collection from any Commercial Premises or Institutional Premises shall not exceed six (6) for each Collection day or the number designated by the Director from time to time. Additional Containers/Bags put out for Collection will not be collected unless Tags have been affixed to them. The maximum number of

Containers/Bags set out for Collection pursuant to this section shall not exceed twelve (12).

- 5.3 Multi-residential premises will receive collection under the guidelines of this by-law, or by means approved by the Director or designated municipal official from time to time.
- 5.4 The number of untagged Garbage Containers/Bags put out for Collection from any registered ADU shall not exceed three (3) for each Collection day or the number of Containers/Bags that may be specified by the Director from time to time. All additional containers/Bags must be tagged. The maximum number of containers/Bags set out for Collection from an ADU shall not exceed six (6).
- 5.5 Any person who has Refuse to dispose of in excess of the limits set out in Sections 5.1, 5.2, 5.3 or 5.4 as the case may be, shall prepare his or her Refuse for Collection as set out in this by-law and dispose of it at his or her own expense by conveying the Refuse, or having it conveyed, to a Materials Recovery Facility by a private service provider operating under a Certificate of Approval issued pursuant to the Environmental Protection Act and in compliance with all applicable law.
- 5.6 Blue box recyclables may be set out for collection on the collection dates set for regularly collected refuse or on such other dates as maybe determined by the Director or other designated municipal official.
- 5.7 Source Separated Organics may be set out for Collection on the Collection dates set for Regularly Collected Refuse or on such other dates as may be determined by the Director or designated municipal official.
- 5.8 Where Blue Box Recyclables are set out for Collection they shall be placed entirely within a Blue Box or an approved alternative receptacle approved by this by-law.
- 5.9 Where Source Separated Organics are set out for Collection they shall be placed entirely within a Green Bin.
- 5.10 There is no limit to the quantity of Blue Box Recyclables, Green Bin Organics, Yard Waste and Tagged Special Waste that may be set out for residential collection.
- 5.11 Yard Waste may be set out for collection and disposal by the contractor once every other week from April 1st through to November 30th or as designated by the Director or designated municipal official.

6. General

- 6.1 Notwithstanding the provisions of this by-law, any person may contract at his/her own expense and liability, for the Collection of Refuse. Any such person shall utilize Bulk Containers as a receptacle for such Refuse and shall otherwise conform with the provisions of this By-law, save and except for the provisions of Sections 4.9, 4.10, 5.1, 5.2, 5.3 and 5.4 shall ensure that no nuisance, hazard or inconvenience to other persons is created by the storing or Collection of Refuse in Bulk Containers.

- 6.2 No person shall convey Refuse except in completely covered receptacles or in vehicles that are totally enclosed or covered so as to prevent any Refuse from falling upon the highway, keep such Refuse sealed from flies or vermin, and to control, as far as possible, the escape of any offensive odors therefrom.
- 6.3 No person shall set out for Collection or convey Refuse in any manner that may constitute a nuisance, hazard or threat to public health and safety.
- 6.4 In the event that Refuse is set out for Collection and disposal other than in accordance with the provisions of this by-law, the Contractor may refuse to collect such refuse. It shall then be the responsibility of the person setting out such refuse to comply with the provisions of the By-law. Refusal by the contractor to collect and dispose of such refuse shall not limit the applicability of any penalty imposed pursuant to this By-law.
- 6.5 The town is not responsible for non-approved or broken containers not being collected or returned after collection.
- 6.6 No person, shall scavenge, pick over, interfere with, disturb, remove or scatter any Refuse without first obtaining authorization from the owner of the Refuse or the Director or designate.
- 6.7 No person shall set out for Collection, or leave, keep, or permit upon any property or premises owned, occupied, or under his or her control any White Goods or similar container, not being used for the purpose for which it was manufactured, in a place accessible to children, without first removing any door, lid or cover that cannot be easily opened from the inside, and taking such other precautionary measures as may be required to prevent a person from being trapped inside.
- 6.8 Every resident requiring collection of garbage shall place such garbage out for collection in securely covered containers or bags.
- 6.9 Some non-collectable residential garbage may be delivered to an approved disposal site or transfer station subject to the following:
- (i) Permission of disposal site or transfer station has been granted;
 - (ii) The cost of the haulage of such non-collectable garbage is borne by the person seeking to have it disposed of; and
 - (iii) Cost of disposal is borne by resident.

7. Approved Receptacles

- 7.1 No person shall set Garbage out for Collection unless it is contained in one of the following approved receptacles each a "Container":
- 7.1.1 A reusable receptacle which is waterproof, durable, rust resistant, non-absorbent with a close fitting cover and two open rigid handles. The container shall not exceed 50 cm (20 in) in diameter or 90 cm (36 inches) in height or 125 liters (4.4 cu ft.) in capacity. The diameter at the top of the container shall be larger than the bottom. The total weight of any full receptacle shall not exceed 22 kg (50 pounds).

- 7.1.2 A non-reusable receptacle which shall be a waterproof plastic bag designed and sold for the purpose of containing Refuse and sealed so as to prevent any spillage. Maximum size of the bag shall be 66cm x 92cm (26"x36") 76 litres (20 gallons). The total weight of the bag when full shall not exceed 22kgs (50 pounds).
- 7.2 No person shall set Blue Box Recyclables out for Collection unless they are contained in one of the following approved receptacles:
- 7.2.1 Blue Bins, open topped plastic containers that are clearly and easily identifiable as containing Blue Box Recyclables, and which shall be capable of containing all materials without spillage and which shall not exceed 53 cm (21 inches) in height and 40 cm (16 inches) in width and 48 cm (19 inches) in length or 22 gallons (83 litres).
- 7.2.2 Notwithstanding the foregoing, magazines, newspapers, cardboard, boxboard and other waste paper may be tied securely in bundles or placed in cardboard boxes for overflow not larger 90cm x 90cm x20cm (36" x 36" x 8") or as the Director or designated municipal official may prescribe from time to time.
- 7.3 No person shall set out Source Separated Organics for Collection unless they are contained within a certified compostable bag that has been deposited within a standard 69cm (27 inches) in height and 40 cm (16 inches) and 46 cm (18 inches) in length or 12 gallons (45 litres) Green Bin. The total weight of the Green Bin when full shall not exceed 22kgs (50 pounds).
- 7.4 No person shall set Special Waste out for Collection unless they have:
- 7.4.1 Called the Contractor in advance of the next scheduled Collection day for Regularly Collected Refuse to arrange for Collection; and
- 7.4.2 Affixed the appropriate Tag to the item in a manner that the Tag is clearly visible.
- 7.5 No person will set Yard Waste out for Collection unless it is contained in one of the following receptacles:
- 7.5.1 A returnable receptacle which is waterproof, durable, rust resistant, non-absorbent, a close fitting cover with two open rigid handles and a "Yard Waste" sticker affixed to it. The container's diameter shall not exceed 50 cm (20 in) or a height of 90 cm (36in). The diameter at the top of the container shall be larger than the bottom. The total weight of any receptacle shall not exceed 22kg (50 pounds). Blue boxes are not considered to be acceptable Yard Waste containers and will not be collected.
- 7.5.2 A non-reusable receptacle which shall be a Kraft paper bag designed as a receptacle for Yard Waste the weight of which shall not exceed 22kgs (50 pounds) when full.
- 7.5.3 Notwithstanding the foregoing, branches, twigs and cuttings may be set out for Collection in securely tied bundles which do not exceed 1.2 meters (four feet) in length or and 60 cm (24 inches) in diameter or 10 cm (4 inches) in diameter per branch and do not weigh more than 22 kg (50 pounds) or as

the Director or designated municipal official may otherwise prescribe from time to time.

- 7.6 Any receptacle placed out for Collection which is broken or which breaks when lifted will not be collected.
- 7.7 Plastic or compostable bags are prohibited for use as a receptacle or Blue bin material.

8. User fees

- 8.1 No person shall set out more than three (3) Containers of Garbage for collection in any returnable receptacle without a tag (sticker) affixed to the contents of the container and the tag (sticker) shall be clearly visible upon removal of the container's lid
- 8.2 No person shall set out more than three (3) Bags of garbage for collection in any non-returnable receptacle (bag) without a tag (sticker) affixed to the bag and the (sticker) shall be clearly visible.
- 8.3 No person shall set out for Collection any Special Waste and White Goods without a Tag affixed to each item in a manner such that the Tag shall be clearly visible.
- 8.4 Tags may be purchased from the Town or its designates at the applicable fee set out in the Town's Fees and Charges By-Law.
- 8.5 Where any person sets Garbage or Special Waste out for Collection that has not been Tagged as required by this by-law, but which has otherwise been set out for Collection in accordance with this by-law such Garbage or Special Waste may be Collected subject to imposition of the applicable fee set out in the Town's Fees and Charges By-Law The Owner of property benefiting from such Collection will receive notice of the charging of such fee by mail and the fee shall be due for payment by the Owner within 60 days of the mailing of the notice.
- 8.6 Any person sets out any Garbage, Blue Bin Recyclables, Yard Waste or Source Separated Organics (SSO) for collection and has been Tipped, Blown or knocked over prior to collection is responsible for cleaning all the material up. If the Town is required to collect it may be collected subject to imposition of the applicable fee set out in the Town's Fees and Charges By-Law. The Owner of property benefiting from such Collection will receive notice of the charging of such fee by mail and the fee shall be due for payment by the Owner within 60 days of the mailing of the notice.
- 8.7 Unpaid fees due under section 8.5 shall be added to the tax roll for any real property in the municipality which benefits from such Collection and collected in like manner as taxes.
- 8.8 Any person who causes or permits Refuse to fall upon private or public property shall immediately retrieve same in default of which, the Town, or its Contractor, may retrieve the Refuse and charge the person in default the fee set by the Director from time to time, for the expense incurred in doing so. The person in default will receive notice of the charging of such fee by mail and the fee shall be paid by the person within 60 days of the mailing of the notice.
- 8.9 Fees imposed under section 8.6 that remain unpaid may be collected in like manner as taxes.

8.10 The Town shall procure a supply of Blue Boxes, Green Bins, Kitchen Containers and Backyard Composters and make them available for sale to residents at the cost set out in the Town's Fees and Charges By-Law.

8.11 Damaged Blue Boxes and Green Bins will be replaced by the Town, at no cost, provided that the owner returns the town or N6 issued damaged Blue Box or Green Bin to the Town offices or other designated facilities.

9. Powers of Entry

9.1 The Town may enter upon property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

9.1.1 the provisions of this by-law;

9.1.2 an order issued under this by-law; or

9.1.3 an order made under section 431 of the Municipal Act.

9.2 Where an inspection is required by the Town, the person conducting the inspection may:

9.2.1 require the production for inspection of documents or things relevant to the inspection;

9.2.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

9.2.3 require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and

9.2.4 alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

9.3 The Town may make an inspection pursuant to an order issued under section 438 of the Municipal Act.

9.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of the York Regional Police Services, as well by any person under his or her direction.

10. Orders and Remedial Action

10.1 If a person contravenes any provision of this by-law, the Town may issue an order to the person, and the Owner of property benefiting from Collection upon which the contravention has occurred, to discontinue the contravening activity. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the property upon which the contravention occurred, and the date by which there must be compliance with the order. The order may be served in accordance with the service provisions contained in this by-law.

- 10.2 If a person has contravened a provision of this by-law, the Town may issue a work order to the person who contravened or permitted the contravention of this by-law, as well as to the Owner of the property upon which the contravention occurred, to do work to correct the contravention. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the property upon which the contravention occurred, and the date by which there must be compliance with the order. The order may also provide that if the person or Owner fails to correct the contravention the Town may do the work to correct the contravention at the expense of the person and the Owner. The order may be served in accordance with the service provisions contained in this by-law.
- 10.3 If the Town has issued an order directing or requiring a person or an Owner to do a matter or thing to correct a contravention of this by-law, and the person or owner has failed to correct the contravention, the Town may enter upon the lot at any reasonable time to do all work necessary to correct the contravention and the Town may recover the cost of doing the matter or thing from the person directed or required to do it by adding the costs to the tax roll of the Owner of the property benefiting from collection or upon which property the contravention occurred and collecting them in the same manner as property taxes.
- 10.4 An order issued under this by-law may be served personally or may be served by registered mail sent to the last known mailing address of the person as indicated on the Town's assessment roll. If an order is served on a person by registered mail, it shall be deemed to have been served on the person on the 5th day after mailing of the order, which deemed service may be rebutted by the person proving, on a balance of probabilities, that they did not receive the order.

11. Penalty Provisions

- 11.1 Any person, who contravenes any provision of this by-law, including an order issued under this by-law, is guilty of an offence.
- 11.2 Any officer or director of a corporation, who knowingly concurs in the contravention of any provision of this by-law, including an order issued under this by-law, is guilty of an offence.
- 11.3 If a person has contravened any provision of this by-law and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 11.4 If an order has been issued under this by-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 11.5 Prohibition of scavenging any material placed at the curb side, alleyway or in any other location for collection by the town is in the property of the town or its authorized collection agent(s). No Person or corporation, unless authorized by the designated municipal official, shall interfere with or cause or permit any person to interfere with or collect, scavenge, disturb, remove or scatter any garbage, recyclable material or yard waste placed out for collection

by the town except for the person(s) who placed the material for collection, or if authorized under law.

11.6 Any person who is guilty of an offence under this by-law shall be subject to the following penalties:

11.6.1 Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;

11.6.2 Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;

11.6.3 Upon conviction for a Continuing Offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and

11.6.4 Upon conviction of a Multiple Offence, for each offence included in the Multiple Offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

11.7 In addition to any other remedy or penalty provided by law, the court in which the conviction has been entered, or any other court of competent jurisdiction may make an order:

11.7.1 Prohibiting the continuation or repetition of the offence by the person;

11.7.2 Requiring the person to pay a Special Fine in addition to a Regular Fine, which Special Fine shall eliminate any economic gain or advantage derived by the person as a result of contravening this by-law.

12. Severability

12.1 If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this by-law or the application or such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and it is hereby declared to be the intention of Council that each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

13. Coming into force

13.1 This by-law shall come into force and take effect on the day council approves.

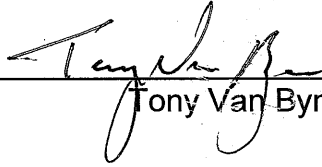
14. Headings

14.1 Section headings in this by-law are not to be considered part of this by-law and are included solely for the convenience of reference and are not intended to be full or accurate descriptions of the sections of this by-law to which they relate.

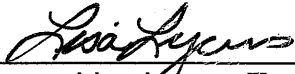
15. Repeal

15.1 By-laws 2007-77 and 2011-29 are hereby repealed upon the coming into force of this by-law.

Enacted this 24th day of April, 2017.



Tony Van Bynen, Mayor



Lisa Lyons, Town Clerk