

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 55-2021

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act") allows a Municipality to pass a by-law to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS, a Municipality may pass a by-law to regulate matters not specifically provided for by the Act for purposes related to health, safety, and well being of the inhabitants of the municipality;

AND WHEREAS, the Act provides the Town with broad authority to pass By-laws within various spheres of jurisdiction, including a By-law respecting Highways, Parks, and Waste Management;

NOW THEREFORE, The Council of the Corporation of the Town of Ajax enacts as follows:

1. SHORT TITLE

1.1 This By-law may be cited as the "Clean Community By-law"

2. DEFINITIONS

2.1 In this by-law;

- a) "boulevard" means the area of a highway between the edge of pavement or curb of the roadway and the adjacent property line of the highway;
- b) "curbside collection" means the municipal collection of bulky items, garbage, household organics, recyclable materials, metal goods/appliances, scrap metal and yard waste or any other collectible waste in the appropriate containers at a collection point designated by the Region;
- c) "collection day" means the day designated by the Region for the purpose of collection or removal of waste from a collection point;
- d) "collection point" means the portion of a property that has been designated by the Region for the setting out and municipal collection of bulky items, garbage, household organics, recyclable materials, metal goods/appliance, scrap metal and yard waste or any other collectible waste;
- e) "donation bin" means a container used for the purpose of the collection of used goods and/or clothing;
- f) "expense" means the cost of carrying out the work to done and an administrative charge as outlined in the Town of Ajax Fee By-law;
- g) "highway" includes a common or public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons and includes the area between the lateral property lines thereof;
- h) "inoperable vehicle" means any vehicle, that appears by reason of its appearance, mechanical condition or lack of current licence plates and/or current validation sticker, to be inoperative. A vehicle is an inoperable vehicle if it bears licence plates and/or a validation sticker that is not registered with the Ministry of Transportation to the attached vehicle;
- i) "land" includes, any ground, yard, lot, or other real property whether or not occupied by a building or structure;
- j) "occupier" means any person who is in control of any property;

- k) "owner" includes the person or persons registered as the owners of a subject property;
- l) "motor vehicle" includes an automobile, a motorcycle, a motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;
- m) "motor vehicle owner" means the person identified by the records of the Ministry of Transportation as the registered holder of the vehicle portion and/or the plate portion of a permit, issued pursuant to the Highway Traffic Act, R.S.O. 1990 Chapter H.8;
- n) "Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer appointed by the Council of the Town to enforce the Town's By-laws;
- o) "park" includes any land or premises within the Town capable of being used for park or recreational purposes, active or passive, including but not limited to green spaces, trails, walkways, sports fields, water features, wooded areas and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the Town, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space or golf course, including any buildings, structures, facilities, erections and improvements located in or on such lands;
- p) "person" means a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;
- q) "property" means land, with or without improvements so affixed to the land;
- r) "Region" mean the Regional Municipality of Durham;
- s) "set out" means to place, cause or permit to be placed, waste at a collection point on private or public property for the purpose of municipal waste collection;
- t) "Town" means The Corporation of the Town of Ajax;
- u) "waste" includes debris, rubbish, filth, refuse, garbage or unwanted matter of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and excrement, ashes, automotive parts, bio-medical waste, bottles, cans, cartons, clothing, construction materials, discarded appliances, grass clippings, handbills, hazardous waste, furniture, litter, lumber, inoperative mechanical equipment, inoperable vehicle, organic waste, packing materials, paper, soil, soot, tires, liquid waste, and yard waste; and
- v) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

3. GENERAL

- 3.1 Whether or not disposed of in a garbage receptacle, no person shall drop, dump, throw, deposit, place, store, or otherwise dispose of waste on any private property without the expressed permission of the owner of the said property.
- 3.2 No person shall drop, throw, deposit, place, store, or otherwise dispose of waste on any boulevard, highway, park or any property of the Town or any local Board thereof.
- 3.3 The provisions contained within Section 3.1 and 3.2 shall not apply to persons setting out waste for collection on a highway or on land owned or occupied by the said person, in compliance with the Municipal collection policies or any regulating authority and/or any By-law regulating curbside collection.
- 3.4 No person shall drop, throw, deposit, place, store, or otherwise dispose of waste generated from private property in any garbage and/or litter receptacle located in any park or property of the Town or any local Board thereof.
- 3.5 The provisions contained within Section 3.4 shall not apply to persons depositing waste

in litter receptacles located in any park or property of the Town or any local Board thereof designed to receive and hold such waste providing the disposition of the waste deposited was derived from the use of the park or property of the Town or any local Board thereof.

- 3.6 No person shall convey on a highway any waste unless it is carried in properly covered containers or in vehicles totally enclosed, so as to prevent any of the contents from falling upon the highway or leaving the vehicle.
- 3.7 a) No person shall knowingly or not knowingly allow, cause, or permit waste to be dropped, thrown, deposited, placed or otherwise disposed of out of a motor vehicle, whether or not the motor vehicle is moving or stationary.
- b) No owner of a motor vehicle shall knowingly or not knowingly allow, cause, or permit waste to be dropped, thrown, deposited, placed, or otherwise disposed of out of the said motor vehicle, whether or not the vehicle is moving or stationary.

4. DONATION BINS

- 4.1 No person shall place or cause to be placed any donation bin on any property without the expressed permission of the owner of the said property.
- 4.2 No person shall place or cause to be placed any donation bin on any highway, park or property of the Town or any local Board thereof.
- 4.3 No owner or occupier of a property shall allow, place, or cause to be placed any donation bin on any property without first having applied for and a Site Plan Amendment pursuant to the Planning Act, from the Town.
- 4.4 Legally stored donation bins must be maintained in a tidy condition and emptied as often as necessary to avoid overflow.

5. WASTE STORAGE AND COLLECTION

- 5.1 Every owner or occupier of a building shall provide a sufficient number of suitable receptacles to contain all garbage and municipally collected compost material that accumulates between collection days, on the property. Receptacles to contain compost and garbage shall be;
- a) equipped with a tight fitting cover, that is kept closed at all times, and rodent and pest proof, and
 - b) kept in a good state of repair, and
 - c) maintained in a neat and tidying condition and washed and disinfected as often as required to be kept in a clean and odour free condition.
- 5.2 Every owner or occupier of a building shall provide a sufficient number of suitable receptacles to contain all of the municipally collected recyclable material that accumulates between collection days, on the property. Receptacles to contain recyclable material shall be;
- a) kept in a good state of repair, and
 - b) maintained in a neat and tidying condition and washed and disinfected as often as required to be kept in a clean and odour free condition.
- 5.3 For the purposes of sections 5.1 and 5.2 a garbage bag is not considered a suitable receptacle.
- 5.4 All waste receptacles containing garbage, compost, and recyclable materials, shall be kept in an indoor area, such as a garage or shed, or in the side or rear yard of the property. If the property does not have a side or rear yard, the receptacles may be stored in the front yard, provided the receptacles are stored flush against the building. This section shall not apply to properties whose waste storage is governed by a site plan agreement.
- 5.5 Waste storage rooms and enclosures shall be;
- a) kept closed at times, unless waste is being deposited or removed, and
 - b) kept in a good state of repair, and

- c) maintained in a neat and tidying condition and washed and disinfected as often as required to maintain them in a clean and odour free condition, and
 - d) emptied as often as required to prevent waste from overflowing from the waste receptacles
- 5.6 Every owner or occupier of property shall forthwith clean up any waste, including garbage, recyclable, or compost, that has escaped or blown from the receptacle, or been disturbed by animals.
- 5.7 No owner or occupier of a property shall keep on their premises or elsewhere a receptacle or waste storage area, in such a condition as that it is a nuisance or emits offensive odours, or harbours or attracts rats, mice, or other vermin or insects.
- 5.8 Every owner or occupier of a property shall set out waste for curbside collection in accordance with the Municipal collection policies and/or any regulating authority and/or any By-law regulating curbside collection.
- 5.9 No person shall set out, or cause to be set out at curbside for collection, any waste onto any other person's property, or onto the highway abutting any other person's property, without the prior consent of the owner of said property.
- 5.10 No owner or occupier of a property shall set out waste at curbside for collection in a manner that it may blow away or otherwise escape in any manner prior to collection.
- 5.11 Every owner or occupier of a property that has set out waste at curbside for collection that has blown away or otherwise escaped in any manner, shall be responsible for the clean up of the waste.

6. OFFENCE, PENALTY & ENFORCEMENT

- 6.1 Any Police Officer or a Municipal Law Enforcement Officer may enforce the provisions of this By-law.
- 6.2 No person shall obstruct or hinder, or attempt to obstruct or hinder, any person exercising a power or performing a duty under this By-Law.
- 6.3 Where any person contravenes a provision in Part 4 or 5 of this By-law, a Municipal Law Enforcement Officer may forward a written notice, by personal service, registered mail, or by posting a copy of the notice on the property in a conspicuous place, to the owner or occupant of the property, requiring compliance within the time specified in the notice.
- 6.4 If a notice that has been issued in accordance with this By-law has not been complied with the Town may, with its servants or agents from time to time, and in a reasonable manner, enter upon property and affect such compliance at the expense of the defaulting person, and shall have the right to recover the expense by action or by adding the expenses to the tax roll for such property and collect them in the same manner as taxes.
- 6.5 Where any owner or occupier of a property contravenes a provision in Part 4 or 5 of this By-law involving property of the Town, a park, or any part of a highway, the Town may without notice affect compliance and the expense of doing so may be recovered by adding the expenses to the tax roll for such property and collect them in the same manner as taxes.
- 6.6 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O.1990.

7. VALIDITY


- 7.1 The provisions of this By-law shall apply to all lands and premises within the Town.
- 7.2 Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed here from and the remainder of this By-law shall continue in full force and effect.

8. REPEAL OF BY-LAWS

8.1 That By-law #130-2012 is hereby repealed.

Read a first and second time this
Twenty-first day of September,
2021

Read a third time and passed this
Twenty-first day of September,
2021



Mayor



D-Clerk