

BY-LAW NUMBER XX-24

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THE CORPORATION OF THE COUNTY OF BRANT

To govern Solid Waste in the County of Brant

WHEREAS Section 10(1) of the Municipal Act, 2001, S.O. 2001, c.25 authorizes *Council* to enact a by-law respecting any service that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 425 of the Municipal Act, S.O. 2001, c.25 provides that a municipality may pass by-laws providing that any person, or any director or officer of a corporation who knowingly concurs in the contravention of a by-law, is guilty of an offence;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes *Council* to by by-law direct that, in default of a person doing that which he is directed or required to do by by-law, such matter or thing be done at the person's expense and may recover that cost by adding the total to the tax roll and collecting in the same manner as taxes;

AND WHEREAS the *Council* of the Corporation of the County of Brant is desirous of enacting such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. DEFINITIONS

- a) "*Animal waste*" means excrement from any animal and also includes any material used for the *collection* of excrement from animals and all material contaminated with the excrement.
- b) "*Ashes*" means the solid residue of any fuel after such fuel has been consumed by fire but does not include soot.
- c) "*Appliance waste*" means those items categorized as *appliance waste* in Schedule A, of this By-law.
- d) "*Collectible waste*" means *waste* for which the *County* provides *collection* that is categorized as *collectible waste* in Schedule A of this By-law and other *waste* that is designated by the *Designated County Official* as *collectible waste*.
- e) "*Collection*" means the removal and disposal of *waste* by the *County*.
- f) "*Collection Point*" means a place on the *highway* fronting a property, as close as possible to the edge of the roadway; or that part of a property that has been designated, by written notice, by the *Designated County Official* as the *collection point* for that property, that can safely be accessed by the *Contractor*.

- g) “*Compostable material*” means *food waste* as categorized in Schedule A, of this By- law.
- h) “*Compost Container*” means a container, as defined in Schedule B in this By-law, for the setting out of *compostable material*.
- i) “*Contractor*” means any person or corporation which has entered into a contract with the *County* for the *collection of waste* on behalf of the *County*.
- j) “*Council*” means the *Council* of the Corporation of the County of Brant.
- k) “*County*” means the Corporation of the County of Brant.
- l) “*Designated County Official*” means the General Manager of Operations for the Corporation of the *County* or person(s) designated by them.
- m) “*Dwelling unit*” means dwelling unit as defined in the *County Zoning By-law* as amended or and successor thereto.
- n) “*Eligible property*” means any of the following:
 - i) A residential property that includes a maximum of 3 dwelling units in a detached, semi-detached, or connected form, and where the property has frontage that provides vehicular access to a public street;
 - ii) A multi-residential property which includes more than 3 dwelling units, whereby all units are located on 1 property, where the property has frontage that provides vehicular access to a public street, and where it has been deemed to be an *eligible property* by the *Designated County Official* in accordance with the Technical Guidelines for Waste Collection for Multi-Residential Properties;
 - iii) Condominium Developments which are deemed to be an *eligible property* by the *Designated County Official* in accordance with the Technical Guidelines for Waste Collection for Condominium Developments;
 - iv) *Commercial* and Not for Profit Institutional properties that are located on existing residential solid waste collection routes; and
 - v) Any other property or class of property deemed to be an *eligible property* by notice or by public announcement, made by the *Designated County Official*.
- o) “*Food waste*” means those items categorized as *food waste* in Schedule A, of this By-law.
- p) “*Furniture Waste*” shall mean those items categorized as ‘*Furniture Waste*’ in Schedule A, of this By-law.

- q) "*Hazardous waste*" includes:
- i) Explosive waste, including, but not limited to, wastes that may also produce deadly fumes or vapours when exposed to air or mixed with other materials, and wastes such as aerosol cans (full or partially full) and propane cylinders and tanks;
 - ii) Flammable waste, including, but not limited to, gasoline, motor oil, barbecue starter fluid, varsol, paint thinner and other solvent, and finger-nail polish and remover;
 - iii) Toxic waste including, but not limited to, *wastes* that are poisonous or lethal if swallowed or inhaled, paint (including full or partially full cans), pesticides, motor oil, over the counter and prescription medicine and household and other cleaners;
 - iv) Corrosive *waste* including, but not limited to, batteries (household and automotive), drain opener, oven cleaner, acid, and photographic solution;
 - v) Bio-medical *waste* including, but not limited to hypodermic needles, syringes, *sharps* and medical dressings; and
 - vi) The following as defined in R.R.O. 1990, Ontario Regulation 347/12, as amended pursuant to the *Environmental Protection Act*, R.S.O. 1990:
 - a) hazardous industrial *waste*,
 - b) acute *hazardous waste* chemical,
 - c) *hazardous waste* chemical,
 - d) severely toxic *waste*,
 - e) ignitable *waste*,
 - f) corrosive *waste*,
 - g) reactive *waste*,
 - h) radioactive *waste*, except radioisotope *wastes* disposed of in a landfilling site in accordance with the written instructions of the Canadian Nuclear Safety Commission or the Atomic Energy Control Board,
 - i) pathological *waste* as defined in R.R.O. 1990, Reg. 347, as amended passed pursuant to the *Environmental Protection Act*, R.S.O. 1990,
 - j) leachate toxic *waste*, or
 - k) PCB *waste* as defined in Regulation 362 of the Revised Regulations of Ontario, 1990.
- r) "*Highway*" means *highway* as defined in the *Municipal Act, 2001*, S.O. 2001. c. 25 as amended.
- s) "*Industrial, commercial or institutional waste*" means *waste* originating from a use that would require employment, commercial or institutional zoning pursuant to the *County Zoning*.

- t) “*Ineligible property*” means any property within the *County* that is not defined as an *eligible property* or any property that is deemed by notice or public announcement by the *Designated County Official* as an *ineligible property*.
- u) “*Landfill Site*” means the *waste disposal site(s)* within the *County*, which have been approved by the Ministry of the Environment and Climate Change pursuant to an Environmental Compliance Approval.
- v) “*Leafyard waste container*” means a container as *set out* in Schedule B, in this By-law, for the setting out of leaf and *yard waste*.
- w) “*Non-collectible waste*” means the items categorized as “*non-collectible waste*” in Schedule A of this By-law and includes any *waste* item deemed by notice or public announcement, by the *Designated County Official* to be unsuitable for *collection* by virtue of its size, shape, potential harmful effect on the area in which it is *set out* for *collection*.
- x) “*Occupier*” means an *occupier* as defined in the *Occupiers' Liability Act*, R.S.O. 1990, c.0.2, and includes:
- i) a person who is in physical possession of a premises;
 - ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, despite the fact that there is more than one *occupier* of the same premises;
 - iii) any person who is an *owner* or an *occupier* of the property adjacent to the *collection point* or the point where the waste has been *set out*.
- y) “*Officer*” means a person appointed by a By-law of the *County* as a Municipal Law Enforcement *Officer*.
- z) “*Owner*” means the person whose name appears as the registered *owner* of the property according to Registry office records.
- aa) “*Person*” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and the heirs, executors, or legal representatives of a *person* to whom the context can apply according to law and includes the *owner* and the *occupier* of the property adjacent to the *collection point* or the point where the *waste* has been *set out*.
- aa) “*Prohibited waste*” means items as categorized as such in Schedule A, in this By-law.
- bb) cc) “*Recyclable materials*” means materials categorized as recyclable material in Schedule A of this By-law.

- cc) “*Scavenge*” means to search through and/or remove materials *set out for collection*;
- dd) “*Scheduled collection day*” means the day of the week that *collection* is scheduled to occur for an *eligible property* as determined by *Designated County Official* or by *Council*.
- ee) “*Set out*” means placing or permitting the placement of *waste* and includes the placing or permitting the placement of *waste* for *collection* and the placing or permitting the placement of *waste* at a *collection point*.
- ff) “*Sharps*” means medical or veterinary equipment intended to be sharp for the purpose of cutting or piercing, and includes medical needles and syringes.
- gg) “*Sticker*” means a label or notice approved by the *Designated County Official* for the purpose of identifying improper *waste containers* or *waste* materials or improperly prepared *waste* materials for *collection*.
- hh) “*Waste*” means all material classifications listed in Schedule A that are disposed of in a system of waste management .
- ii) “*Waste collection vehicle*” means any vehicle used by the *County* or its *contractor* for the *collection of collectible waste* material.
- jj) “*Waste container*” means a container as defined in Schedule B to this By-law ,for the setting out of *collectible waste* material.
- kk) “*Waste Disposal Site*” means (pursuant to the *Environmental Protection Act*, R.S.O. 1990, c.E.19 as amended):
- i) any land upon, into, in or through which, or building or structure in which, *waste* is deposited, disposed of, handled, stored, transferred, treated or processed; and
 - ii) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (i).
- ll) “*Waste materials*” means materials categorized as waste materials in Schedule A of this Bylaw.
- mm) “*Yard waste*” means as defined in, but not limited to those materials categorized as “*yard waste*” in Schedule A to this By-law.

2. Application and Interpretation of this By-Law

- a) The provisions of this By-law shall apply to all lands within the boundaries of the *County*.

- b) In the event of any conflict between the provisions of this By-law and the provisions of any other statute or By-law, the provisions that establish the higher standard will prevail.
- c) The insertion of headings and the division of this By-law into sections and subsections are for convenience of reference only and shall not affect the interpretation thereof.
- d) Words importing the singular number or the masculine gender include more persons, parties or things of the same kind than one, and females as well as males and the converse. A word interpreted in the singular number has a corresponding meaning when used in the plural.

3. County Waste Collection Services

- a) The *County* shall not provide for the *collection* of any *non-collectible waste*.
- b) The *County* shall not provide for *collection* of *collectible waste* on *ineligible properties* within the *County*.
- c) The *County* shall provide for the *collection* of *collectible waste* from *eligible properties* at designated *collection points*, within the prescribed areas, within the *County*, provided the *collectible waste* materials are *set out* in accordance with the requirements of this By-law.
- d) Waste must be visually distinguishable to the waste collection *contractor* from any other class of *collectible waste* that has been *set out*.
- e) Where a *yard waste collection* program is in effect, defined in this bylaw, eligible properties only in Urban Areas indicated on Schedule 'C' will receive *collection*.
- f) Where an *Appliance waste* and *Furniture waste* collection program is in effect, defined in this bylaw, only single residential properties/units are eligible who receive curbside collection at the frontage of their property/unit.
- g) The *County* shall not collect any *collectible waste* that is not *set out* at the *collection point* prior to 7:00 a.m. on the day of *collection* or that is not *set out* as prescribed by this By-law.
- h) The *County* shall designate the days of *collection*, which may be altered from time to time. Public notification of any change in the days of *collection* shall be advertised by the *County* prior to the effective date of said change.
- i) The provision, maintenance and replacement of reusable *waste containers* are the sole responsibility of the *occupier* or *owner* of the *eligible property*.
- j) The classes of *waste* that are *collectible waste* are as set out in Schedule A to this By-law. The *Designated County Official* may by public announcement, designate certain *non-collectible waste* as *collectible waste* for a specified period of time, for any class or for certain classes of property within the *County* or for prescribed areas of the *County*.

- k) The *County* shall not provide for the *collection* of *collectible waste* from *eligible properties* where the *collection point* is located on a private or un-assumed road unless there is clear, un-obstructed access to such road, sufficient, un-obstructed turn-around space so the *waste collection vehicles* do not have to back up, and adequate, unobstructed access to a *highway*, all of which shall be determined by the *Designated County Official*.
- l) The *County* may delay *collection* of *collectible waste* due to environmental conditions, construction projects, or other health and safety related issues, and shall attempt to notify affected property *Owners* of such changes.
- m) Properly prepared and separated *collectible waste* set out at a *collection point* within the times designated by this By-law shall become the property of the *County*.

4. Regulations and Prohibitions Regarding Collection of Waste

- a) No *person* shall *set out*, cause or permit the setting out *waste* adjacent to an *ineligible property*.
- b) No *person* shall *set*, cause or permit the setting out of any *non-collectible waste*.
- c) No *person* shall cause or permit to fail to clean up *waste* that has been *set out* and has blown away or otherwise escaped in any manner.
- d) No *person* shall cause or permit to fail to re-secure any *waste* that has been *set out* and become unsecured.
- e) No *person* shall *set out*, cause or permit the setting out of *waste* at a location other than the prescribed *collection point*.
- f) No *person* shall set out , cause or permit the setting out of *waste*;
 - (i) earlier than 6:00 p.m. on the day before the *schedule collection day* except within a Business Improvement Area;
 - (ii) earlier than 5:00 p.m. on the day before the *scheduled collection day* within a Business Improvement Area;
- g) No *person* shall cause or permit to fail to remove by 8:00 p.m. on the *scheduled collection day*, any container or *waste*, that has been *set out*, and that was not collected for any reason, unless a *Designated County Official* directs otherwise by public notice.
- h) No *person* shall *set out*, cause or permit the setting out of any *waste* which may cause injury.
- i) No *person* shall *set out*, cause or permit the setting out of *waste* which is not contained within a *waste container*.
- j) No *person* shall *set out*, cause or permit the setting out of *waste containers* which are:
 - i) not in compliance with Schedule B requirements, or
 - ii) not maintained in a condition which is safe and efficient for *collection*; or
 - iii) not bound, if necessary, to prevent spillage or breakage during *collection*; or
 - iv) not sealed, if necessary, to prevent the attraction of animals or insects, and the

release of odours.

- k) No *person* shall *set out*, cause or permit the setting out of *waste* in a container which is:
 - i) harboring rats or other vermin; or
 - ii) packed in such a manner that *waste* falls out or protrudes from it; or
 - iii) impedes the complete emptying due to materials that are frozen in the bottom.
- l) No *person* shall *set out* , cause or permit the setting out of *waste* in a container that together with its contents weighs in excess of 20 kilograms.
- m) No *person* shall *set out*, cause or permit the setting out of a *waste material container* that contains material other than *collectible waste - waste materials*.
- n) No *person* shall *set*, cause or permit the setting out of *out a leaf/yard waste container* that contains materials other than *yard waste* that is designated as *collectible waste*.
- o) When a Christmas tree *collection* program is in effect, no *person* shall *set out*, cause or permit the setting out of a Christmas tree with wrapping, bagging, decorations or lights.
- p) No *person* shall *set out*, cause or permit the setting out of *yard waste*, excluding brush, that is not packaged in a *leaf/yard waste container*
- q) When brush is *set out*, cause or permit the setting out of, for the *yard waste collection* program in effect, no *person* shall *set out* brush:
 - i) that is not bundled or that is packaged in a bundle exceeding a size of 1.2 metres long by 0.6 metres diameter or where the weight of the bundle exceeds 20 kilograms;
 - ii) where any individual piece of material exceeds 7.5 centimeters in diameter
- r) Where a *compostable material collection* program is in effect, no *person* shall *set out* , cause or permit the setting out of *compostable material* unless packaged in a *compost container*.
- s) No *person* shall *set out*, cause or permit the setting out of a *compost container* that contains material other than *compostable material* that is designated as *collectible waste*.
- t) Where an appliance and furniture waste collection program is in effect no *person* shall;
 - i) *set out*, cause or permit the setting out of a refrigerator or freezer unless the doors have been removed or secured in such a fashion that they cannot be opened;
 - ii) *set out*, cause or permit the setting out of more than 5 items per *collection*
 - iii) *set out* the material more than 3 days before the scheduled *collection*

- u) Where a *waste collection* program is in effect, no *person* shall *set out*, cause or permit the setting out of *collectible waste materials* unless:
 - i) packaged in a *waste material container*
 - ii) with the relevant bag tag, tab or tie affixed, if required by the *County*.
- v) No *person* shall *set out*, cause or permit the setting out of more than four (4) *waste material containers* per *eligible property* and two (2) additional *waste material containers* for each approved Additional Residential Unit (ARU), except for properties which have an alternative container limit approved for *collection* by the *Designated County Official* which includes the BIA areas of Paris, St. George and Burford, as shown in Schedule D and approval through the Technical Guidelines for Waste Collection for Multi-Residential Properties and Condominium Developments
- w) No *person* shall cause or permit to fail to remove from a *collection point*, *waste* to which a *sticker* has been affixed.
- x) No person, unless authorized by the *County*, shall pick over, *Scavenge*, interfere with, disturb, remove, or scatter any *collectible waste* whether in a *waste container* or otherwise *set out* for *collection*.
- y) No person shall cause or permit to fail to remove any *Non-collectible waste set out* at a *collection point* or any *collectible waste* that has been improperly *set out* or rendered improperly *set out* by animals or the environment or by any other cause.
- z) The *owner* of property adjacent to a *collection point* shall remove any *waste* from the *collection point* that is in contravention of any provision of this bylaw.
- aa) No *Owner* shall cause or permit to fail to ensure that all *Occupiers* comply with the *County's collection* service requirements.
- bb) In Urban Areas, during times of snow accumulation, every *waste container* shall be left for collection on the driveway of the property, adjacent to the plowed portion of the roadway, in an area where the snowbank is cleared to ground level at the curb, or at such other location as may be designated in writing or by public advertisement by the *County*.
- cc) In Rural Areas, during times of snow accumulation, every *waste container* shall be left for collection on the plowed shoulder on the designated roadside, or at such other location as may be designated in writing or by public advertisement by the *County*.

5. Regulations Regarding Disposal of Waste

- a) Fees
 - i) Fees, as established under the *County Fees and Charges By-law*, will be

assessed for *waste* collected and deposited at the *landfill site*.

- ii) Any loads requiring special handling may be subject to additional fees as specified in the *County Fees and Charges By-law*,
 - iii) All fees must be paid (by a payment method acceptable to the County) the same day that the *waste* is deposited, and the fees must be paid at the scale house at the *landfill site* prior to exiting, (except if an account has been established with *County* approval).
 - iv) No *person* shall deposit *waste* at the *landfill site* without paying the applicable fee, unless the fee is waived by the *Designated County Official*.
- b) No *person* shall haul, convey or transport through or upon any *highway*, within the boundaries of the *County*, any *waste*, except in properly covered containers or vehicles totally enclosed or covered with canvas or tarpaulins, so fastened down around the edges as to prevent any of the contents falling upon the *highway*.
- c) Landfill Acceptance
- i) No *person* shall cause or permit the deposit of *waste* at the *landfill site* that is not accepted at the *landfill site* as set out in Schedule A of this By-law.
 - ii) No *person* shall cause or permit the deposit of *waste* at the *landfill site* that has been generated at a location outside of the *County*.
 - iii) No *person* shall cause or permit the deposit of any *waste* that is refused for acceptance at the landfill.
 - iv) Any *person* that causes or permits the deposits *waste* at the *landfill site* that is not acceptable will be required to remove the *waste* at their own expense.
 - v) No *person* shall cause or permit to fail to remove any *waste* from the *landfill site* when required to do so by the *Designated County Official*.
 - vi) No *person* shall cause or permit to fail to sort any *waste* deposited at the *landfill site* in accordance with the requirements as established by the *Designated County Official*.
 - vii) No *person* shall cause or permit to fail to stop at the scales at the *landfill site* to be weighed in and out.
 - viii) No *person* shall cause or permit to fail to follow the direction provided by an authorized *landfill site* attendant.

6. **Administration**

- a) The *Designated County Official* shall be responsible for the administration of this By-law.
- b) The *Designated County Official* has authority to:
 - i) administer the By-law and assign responsibility to any employee or agent of the *County*;

- ii) designate additional properties or class of properties as *eligible property* or upon providing notice, deem certain properties *ineligible property*;
 - iii) establish *collection* schedules to specify the time, date and frequency of *collection* services in the specified areas that receive *collection* services;
 - iv) upon providing public notice, amend the classification of specific items as *collectible waste* or *non-collectible waste*;
 - v) upon providing public notice, add or delete materials;
 - vi) designate *collection points* for specific properties;
 - vii) make decisions with respect to *collection* upon determination regarding whether a building, location or property is safe for entry by any employees of the *County* or its *contractor* having regard to the physical condition and layout, loading facilities, or method of handling *collectible waste* at the location, the building or property;
 - viii) impose limits regarding the frequency or quantity of *collection* services;
 - ix) upon providing public notice, designate additional containers as suitable *waste containers*;
 - x) establish requirements regarding the methods for the *collection* and disposal of *waste*;
 - xi) determine the method for providing notice regarding changes to *collection* schedules or services;
 - xii) require that the *owner* of a multiple unit residential building distribute information relating to the services to all individual *dwelling units* within the property;
 - xiii) determine any other matter necessary for the administration of this By-law and the *collection* and disposal of *waste*.
- c) The *County* may:
- i) retain a *contractor* to fulfill any of the requirements of this By-law, however if due to breakdown of the equipment, strike, inclement weather, or any other cause the *collection* of *waste* cannot be made, the *County* shall not be liable to any *person* from whom the *collection* of *waste* should have been made, for damages due to failure of such *collection* of *waste*;
 - ii) change a *scheduled collection day*, and any *person* affected shall be advised of the change by a notice in the local newspapers to be published prior to the change or by a method approved by the *Designated County Official*;
 - iii) Initiate pilot test programs for possible *collection* changes during which time the status of *collection* of specific items may be temporarily changed.

7. **Responsibility for Enforcement**

- a) Municipal Law Enforcement *Officers* appointed by the *County* are authorized to enforce the provisions of this By-law.
- b) **Power of Entry re Inspection**
Pursuant to section 435 and 436 of the *Municipal Act, 2001* any *County employee, officer*

or agent of the *County* or a member of the police force of the *County*, may without notice, and upon producing proper identification upon request, enter on land at any reasonable time for the purpose of carrying out an inspection, to determine whether this By-law, a direction or order of the *County* made under this by-law, a condition of a permit issued under this By-law, or an order made under section 431 of the *Municipal Act, 2001* is being complied with. The person exercising the power may be accompanied by a person under his or her direction.

c) **Inspection Powers**

Any employee, *officer* or agent of the *County* or a member of the police force of the *County*, carrying out an inspection pursuant to section 7 a) of this By-law may:

- i) require the production for inspection of documents or things relevant to the inspection;
- ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- iii) require information from any *person* concerning a matter related to the inspection; and
- iv) 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.

d) **Samples**

- i) A sample taken under subsection 7 b) iv) shall be divided into two parts, and one part shall be delivered to the *person* from whom the sample is taken, if the *person* so requests at the time the sample is taken and provides the necessary facilities.
- ii) If a sample is taken under subsection 7 b) iv) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the *person* from whom the sample was taken.
- iii) A receipt shall be provided for any document or thing removed under subsection 7 b) ii) and the document or thing shall be promptly returned after the copies or extracts are made.
- iv) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the *person* who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals.

e) **Power of Entry – Pursuant to an Order**

Where an employee, *officer* or agent of the *County* or a member of the police force of the *County*, has made a reasonable attempt to obtain the *owner* or *occupier's* consent to conduct an inspection and has been unable to exercise the powers of inspection under the authority of section 7 a) or 7 b), the *County* may, pursuant to section 438 of

the *Municipal Act, 2001* obtain an order authorizing the *County* to enter on land for the purpose of carrying out an inspection.

f) **Power of Entry – Dwelling Unit**

Despite section 7 a), a person exercising a power of entry on behalf of the *County* under this By-law shall not enter or remain in any room or place actually being used as a *dwelling unit* unless:

- i) the consent of the *owner* or *occupier* is obtained, having first been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438, a warrant issued under section 439 or a warrant under section 386.3;
- ii) an order issued under section 438 of the *Municipal Act, 2001* is obtained;
- iii) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained;
- iv) a warrant issued under section 386.3 of the *Municipal Act, 2001* is obtained;
- v) the delay necessary to obtain an order under section 438, to obtain a warrant under section 439 or to obtain the consent of the *owner* or *occupier* would result in an immediate danger to the health or safety of any *person*.

g) **Order to Discontinue**

Pursuant to section 444 of the *Municipal Act, 2001*, where the *County* is satisfied that a contravention of this By-law has occurred, the *County* may make an order requiring the *person* who contravened the by-law or who caused or permitted the contravention or the *owner* or *occupier* of the land on which the contravention occurred to discontinue the contravening activity.

The order shall set out,

- i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- ii) the date by which there must be compliance with the order.

h) **Offence – Contravene Order to discontinue**

No *person* shall contravene an order to discontinue, issued pursuant to section 7 f).

i) **Work order**

Pursuant to section 445 of the *Municipal Act, 2001*, where the *County* is satisfied that a contravention of a by-law of the *County* passed under this or any other Act has occurred, the *County* may make an order requiring the *person* who contravened the by-law or who caused or permitted the contravention or the *owner* or *occupier* of the land on which the contravention occurred to do work to correct the contravention.

An order may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force.

The order shall set out,

- i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- ii) the work to be done and the date by which the work must be done.

j) **Offence – Contravene Work Order**

No *person* shall contravene a work order issued pursuant to section 7 h).

k) **Remedial action**

Pursuant to section 446 of the Municipal Act, 2001, where the *County* has the authority under this By-law or under any Act to direct or require a *person* to do a matter or thing, in default of it being done by the *person* directed or required to do it, the *County* may enter upon land at any reasonable time, to perform the work at the *person's* expense and may recover the costs from the *person* directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

l) **Offence – Obstructing Officer or Inspector**

No *person* shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law including by refusing to identify themselves when requested to do so by a Municipal Law Enforcement Officer

8. Penalty

a) **Fine – for contravention – other than corporation**

Subject to section 8 b), every *person* who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence and upon conviction is subject to a fine of not more than \$10,000 for a first conviction, and not more than \$25,000 for any subsequent conviction of this By-law.

b) **Fine – for contravention - corporation**

Despite section 8 a), where a corporation is convicted of an offence under the provisions of this By-law, the maximum fines that may be imposed on the corporation are \$50,000 for a first conviction and \$100,000 for second or subsequent conviction.

c) **Continuation – repetition contravention**

Notwithstanding section 8 a), every *person* that contravenes any provision of this By-

law and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence for every day or part thereof upon which such offence occurs or continues, and upon conviction is liable, to a fine of not more than \$5,000 for each day that the offence continues. The total of all of the daily fines may exceed \$100,000.

d) **Continuation – repetition contravention - Corporation**

Notwithstanding section 8 b), every corporation that contravenes any provision of this By-law is guilty of an offence for every day or part thereof upon which such offence occurs or continues and upon conviction is liable, to a fine of not more than \$10,000 for each day that the offence continues. The total of all of the daily fines may exceed \$100,000.

e) **Separate offence**

Each breach of this By-law shall constitute a separate offence and each occurrence of a contravention by a *person* of any provision of this By-law shall constitute a separate offence.

f) **Withdrawal of service for breach of by-law**

Any *person* who contravenes any provision of this By-law may not receive *waste collection* services by the *County* or its *contractor* and may be required to dispose of their *collectible waste* at their own cost.

g) Every Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and the Municipal Act, 2001.

9. **Severability**

Where a court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

10. **Rebuttable Presumption**

An owner shall be presumed to have set out or caused or permitted the setting out of waste which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

11. **Repeal – previous by-laws**

That By-law Number 146-17 as amended, is repealed on the date this Bylaw comes into force and takes effect.

12. **Effective**

The provisions of this By-law shall come into force and take effect on the date of January 1, 2024.

13. **Short Title**

This By-law may be referred to as the Solid Waste By-Law.

READ a first and second time, this day of December, 2024.

READ a third time and finally passed in Council, this day of December, 2024.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Sunayana Katikapalli, Clerk

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