

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2025-0XX-RE

BEING A BY-LAW to amend Clean Yards By-law 2016-068-RE being a By-law respecting litter, yard waste, and property maintenance.

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the Municipal Act, 2001 or any other Act; and

WHEREAS Sections 8, 9 and 11 of the Municipal Act, 2001 permits a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property; and

WHEREAS Section 122 of the Municipal Act, 2001 provides that a municipality may require the owners or occupants of buildings to remove snow and ice from the roofs of the buildings, and may regulate when and how the removal shall be undertaken; and

WHEREAS Section 127 of the Municipal Act, 2001 permits a municipality to pass bylaws requiring an owner or occupant of land to clean and clear the land, not including buildings, to clear refuse or debris from the land, not including buildings, for regulating when and how such matters shall be done, for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of the land, and for defining "refuse"; and

WHEREAS Section 128 of the Municipal Act, 2001 permits a municipality to pass bylaws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS Section 129 of the Municipal Act, 2001 permits a municipality to pass bylaws to prohibit and regulate with respect to odour and dust; and

WHEREAS Section 131 of the Municipal Act, 2001, permits a municipality to prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition; and

WHEREAS Section 425 of the Municipal Act, 2001 permits a municipality to pass bylaws providing that any person who contravenes any by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence; and,

WHEREAS Section 436 of the Municipal Act, 2001 permits a municipality to pass bylaws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the Municipal Act, 2001, or a direction or order made under such a by-law are being complied with; and

WHEREAS Subsection 444(1) of the Municipal Act, 2001 permits a municipality, if satisfied that a contravention of a by-law of the municipality passed under the Municipal Act, 2001 has occurred, to make an order requiring the person who contravened the bylaw 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; and

WHEREAS Subsection 445(3) of the Municipal Act, 2001 permits a municipality to require that work be done pursuant to Subsection 445(1) 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; and

WHEREAS Subsection 446(1) of the Municipal Act, 2001 provides that if a municipality has the authority under the Municipal Act, 2001 or any other Act, or under a by-law under the Municipal Act, 2001 or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and

WHEREAS Subsection 446(2) of the Municipal Act, 2001 provides that a municipality may enter upon land at any reasonable time for the purposes of Subsection 446(1); and

WHEREAS Subsection 446(3) of the Municipal Act, 2001 permits a municipality to recover the costs of doing a matter or thing under Subsection 446(1) 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.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That the following recitals be added to the recitals of By-law 2016-068-RE:
WHEREAS Section 391(1) of the Municipal Act, authorizes a municipality to pass bylaws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

WHEREAS Section 434.1 of the Municipal Act states that a municipality may provide for a system of administrative penalties and fees as an additional means of encouraging compliance with a by-law; and

WHEREAS the Town has passed By-law 2024-039-RE, being a By-law to establish an administrative monetary penalty system for violations of designated by-laws within the Town of Whitchurch-Stouffville, in accordance with Section 434.1 of the Municipal Act, and O. Reg. 333/07, as amended;

2. That By-law 2016-068-RE is hereby amended by adding the following to section 1 - Definitions:

“AMPS” and “Administrative Monetary Penalty System By-law” means By-law 2024-039-RE of the Town, as amended from time to time, or any successor thereof.

3. That By-law 2016-068-RE is hereby amended by deleting section 14 and replacing it with the following new section 14:

14. PENALTY

14.1 Every Person who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.

- 14.2 Any Person who is in contravention of any provision of this By-law, or who fails to comply with an order issued under this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 14.3 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.
- 14.4 Any Person who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) 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;
 - c) 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
 - d) 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.
- 14.5 For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 14.6 For the purposes of this By-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 14.7 Where a Person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 14.8 Every Person who contravenes any provision of this By-law is liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2024-039-RE, as amended, and each day shall constitute a new and separate offence.
- 14.9 Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law 2024-039-RE, as amended
4. That this By-law shall come into force and effect on the 1st of April 2025.

READ a first and second time this 5th day of March, 2025.

READ a third time and passed this 5th day of March, 2025.

Iain Lovatt, Mayor

Becky Jamieson, Clerk

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