

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2025-42

A By-law to prohibit littering or dumping of refuse and other items on private property and the property of the Corporation of the Town of Midland without authority from the owner or occupant of such property and repeal By-law 2016-73.

WHEREAS Section 10 and 11 of the Municipal Act, 2001, S.O., c. 25, as amended, provides the authority for a municipality to enact by-laws for the health, safety and well-being of persons and economic, social and environmental well-being of the municipality;

AND WHEREAS Section 127 of the Municipal Act, 2001, S.O., c. 25, as amended, provides the authority for a municipality to prohibit the depositing of refuse on land without the consent of the owner or occupant of the land;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O., c. 25, as amended, provides the authority for a municipality 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 it is deemed expedient that the Council of the Corporation of the Town of Midland enact a Littering By-law;

NOW THEREFORE THE COUNCIL OF THE TOWN OF MIDLAND ENACTS AS FOLLOWS:

This By-law shall be known as the “**Littering By-law**”.

1.0 DEFINITIONS

For the purpose of this By-law, the following definitions shall apply:

“Agricultural Waste” means **Waste**, other than **Sewage** and organic waste, resulting from farm operations, including animal husbandry and where a farm operation is carried on in respect of food packing, food preserving, animal slaughtering or meat packing, includes the waste from farm operations.

“Council” means the Council of the Corporation of the Town of Midland.

“Deposit” along with the common definition of deposit shall also mean to dump, throw, place, leave, store permanently or temporarily.

“Derelict Boat” means a boat that is wrecked, dismantled, inoperative, discarded or unused and any component or part thereof.

“Derelict Vehicle” means any vehicle or trailer as defined under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, that is wrecked, dismantled, inoperative, discarded, unused or unlicensed.

“Domestic Waste” means any debris, rubbish, garbage, article, matter of effluent usually belonging to or associated with a residence, household or dwelling unit and includes but is not limited to:

- (i) Accumulations or deposits of litter, **Refuse**, rubbish, junk, and trash;
- (ii) The accumulation or deposits of food waste, grass clippings, weeds, leaves, brush, tree and garden cuttings except if located within properly kept and maintained compost piles;
- (iii) Refrigerators, freezers, stoves or any other appliance or furniture;
- (iv) Furnace, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (v) **Derelict Vehicles**, parts thereof and vehicle tires mounted or unmounted on rims;
- (vi) **Derelict Boats** and all parts thereof including all types of motors or engines;
- (vii) Paper, cartons, cardboard, clothing;
- (viii) Rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
- (ix) New or used building materials resulting from or once used for the purpose of construction, alteration, repair or demolition of any building or structure;
- (x) Human, animal waste or **Sewage**.

“Industrial Waste” means any debris, rubbish, garbage, article, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation but is not limited to the following:

- (i) Articles, things, matter or effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of, **Agricultural Waste**, animal, vegetable, paper, lumber, or wood products, or mineral, metal or chemical products;
- (ii) **Derelict Vehicles**, parts thereof and vehicle tires mounted or unmounted on rims;
- (iii) **Derelict Boats** and all parts thereof including all types of motors or engines;

- (iv) Mechanical equipment or any parts thereof;
- (v) Containers of any size, type or composition;
- (vi) Material resulting from, or as part of, construction or demolition projects;
- (vii) Paper, cardboard, packaging or wrapping;
- (viii) Rubble or inert or contaminated fill.

“Municipal Land” means any building, land, highway, bridge, road allowance, open space, enclosed space, parkland, shoreline, water or any other property in the ownership, care, control or custody of the Town of Midland.

“Officer” means a Municipal Law Enforcement Officer or any other person appointed by the **Town** to enforce the provisions of by-laws.

“Order” means an Order to Remedy or Order to Comply issued under this By-law.

“Owner” includes:

- (a) The registered owner of the property;
- (b) The **Person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the **Person’s** own account or as agent or trustee of any other **Person**, or who would receive the rent if the land and premises were let; and
- (c) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the provisions of this by-law.

“Person” includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law.

“Private Property” means real property owned by a person(s) or corporation(s) other than a municipal corporation and within the Town of Midland.

“Refuse” means debris, **Domestic Waste** and/or **Industrial Waste** as defined within this By-law and materials or effluent that, in the opinion of the **Officer**:

- (i) Appears to have been cast aside, discarded or abandoned; or
- (ii) Appears to be worthless or useless or of no practical value; or

- (iii) Appears to be used up, in whole or in part, or expended or worn out in whole or in part.

“Sewage” means any liquid or solid waste containing human, animal, vegetable or mineral matter in suspension or a solution.

“Town” Means the Corporation of the Town of Midland or the land within the geographic limits of the Corporation of the Town of Midland as the context requires.

“Waste” means the same as **“Refuse”**.

2.0 GENERAL PROVISIONS

- 2.1 No **Person** shall **Deposit** or permit or aid in the **Depositing** of any **Refuse** on **Private Property** without authority from the **Owner** or lawful occupant of such property.
- 2.2 No **Person** shall **Deposit** or permit or aid in the **Depositing** of any **Refuse** on **Municipal Land** without written authority from the **Town**.
- 2.3 No **Person** shall leave, allow or permit to remain, permanently or temporarily, any **Refuse** on **Private Property** or **Municipal Land** without authority from the **Owner** or lawful occupant of such property.
- 2.4 No **Person** shall **Deposit** their privately generated **Waste** into:
 - (a) Public garbage or recycling bins or receptacles; or
 - (b) Containers belonging to another **Person** or **Owner**, without the consent of the **Person** or **Owner**.
- 2.5 Where the **Person** who owned or **Deposited** any **Refuse** can be determined, that **Person** shall be required, upon receipt of written notice from the **Town**, to remove said **Refuse** within the prescribed time listed on the notice.

3.0 NOTICES AND ORDERS

- 3.1 If an **Officer** is satisfied that a contravention of this By-law has occurred, the **Officer** may make a notice or **Order** requiring the **Person** who contravened the By-law or who caused or permitted the contravention or the **Owner** of the land on which the contravention occurred to do work to correct the contravention.
- 3.2 The notice or **Order** shall include:
 - (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;

- (b) The work required to correct the contravention;
 - (c) The date by which the work shall be completed.
- 3.3 A notice or **Order** issued under this By-law may be served personally and/or served by sending it via regular mail, registered mail and/or email to the last known address of:
 - (a) The **Owner** of the property at the address shown on the municipal tax roll;
 - (b) The **Person** identified as contravening this By-law;
 - (c) If sent via email, the notice or **Order** shall be sent to the last known email address of the **Person(s)** or corporation(s) in which the notice or **Order** is addressed to.
- 3.4 Where service of a notice or **Order** is made by regular mail or registered mail, the notice or **Order** shall be deemed served on the fifth (5th) day after the notice or **Order** is mailed.
- 3.5 Where service of a notice or **Order** is made by email, the notice or **Order** shall be deemed served on the third (3rd) day after the notice or **Order** was emailed or upon a response from any recipient of the notice or **Order**.
- 3.6 In addition to service under section 3.4 and 3.5, a notice or **Order** may also be posted on the property in a location visible to the public. If an **Order** is posted on the property, it shall be deemed served on the same day that the notice or **Order** is posted.
- 3.7 Only one (1) notice or **Order** per calendar year is required. If, after a notice or **Order** has been served in accordance with this by-law, and an **Officer** determines that a subsequent contravention has occurred, an **Officer** may proceed with the remedy set forth in Section 5.1 without further notice.
- 3.8 No **Person** shall fail to comply with a notice or **Order** issued under the authority of this By-law.

4.0 ENTRY AND INSPECTIONS

- 4.1 An **Officer** may at any reasonable time, enter upon any land and into structures other than a place actually used as a dwelling without notice for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law are being contravened or to determine if a notice or **Order** has been complied with or to carry out any remedial action required.

5.0 REMEDIAL ACTION

- 5.1 Where the **Owner** is in default of doing the matter or thing required to be done under this by-law, an **Officer** may have the property cleaned or cleared, by any means necessary to achieve compliance with this by-law.
- 5.2 Where any of the matters or things are removed in accordance with Section 5.1, the matters or things may be immediately disposed of.
- 5.3 The **Town**, its employees or authorized agents have performed the work required to bring a property into compliance with the by-law, all expenses incurred by the **Town** in doing the work as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the property.
- 5.4 The **Town** may place a lien on the property as per Section 446 of the Municipal Act on the costs and expense of any remedial action that exceeds \$1000.00.

6.0 ADMINISTRATION AND ENFORCEMENT

- 6.1 This by-law shall be administered and enforced by an **Officer**, their designate or any person appointed or otherwise delegated the authority of administration and enforcement of municipal by-laws.
- 6.2 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this by-law. Any **Person** who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the **Officer** upon request, failure to do so shall be deemed to have obstructed or hindered the **Officer** in the execution of their duties.
- 6.3 The **Town** assumes no liability for property damage or injury resulting from remedial action, remedial work and enforcement undertaken with respect to any **Person** or property that is subject to the provisions of this by-law.

7.0 PENALTY

- 7.1 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 this By-law by the corporation is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.
- 7.2 Each day on which a person contravenes any provisions of this bylaw shall be deemed to constitute a separate offence under this bylaw as provided for in section 429(2) of the *Municipal Act*, S.O. 2001, c. 25.

- 7.3 Every person who contravenes the provisions of any section of this By-law, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 7.4 Every director or officer of a corporation who contravenes any provisions of the By-law is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 7.5 If there is a contravention of any provision within this By-law, and the contravention has not been complied with or corrected, the contravention of the provisions shall be designated as a continuous offence for each day or part of a day that the contravention remains uncorrected;
- 7.6 For the purposes of this By-law, if there is an offence respecting 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, then the offence is deemed a multiple offence.
- 7.7 For the purpose of continuous offences, 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 this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 7.8 For the purpose of multiple offences, 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 this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 7.9 Notwithstanding Section 7.7 and 7.8, and in accordance with the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.
- 7.10 Every person or owner who contravenes any section of this By-law shall, upon issuance of a penalty notice in accordance with the **Town's** Administrative Monetary Penalty System By-law, be liable to pay the **Town** an Administrative Monetary Penalty.

8.0 VALIDITY AND SEVERABILITY

- 8.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

9.0 TRANSITION

- 9.1 The repeal of by-laws referred to in Section 10.1 shall not affect any offence committed against the provisions of the by-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.

10.0 REPEAL

- 10.1 That By-law 2016-73 and all amendments thereto are hereby repealed and replaced with this By-law.

11.0 EFFECTIVE DATE

- 11.1 This By-law shall come into force and effect on the date of passage.

BY- LAW PASSED AND ENACTED THIS 9TH DAY OF JULY 2025.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON – MAYOR

SHERRI EDGAR – CLERK

Written approval of this By-law was given by Mayoral Decision MDE-2025-8 dated July 9, 2025

THE CORPORATION OF THE TOWN OF MIDLAND
PART I Provincial Offences Act
By-law 2025-42: Littering By-law
Set Fines

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Deposit, permit to deposit or aid in depositing refuse on private property	2.1	\$500.00
2	Deposit, permit to deposit or aid in depositing refuse on municipal land	2.2	\$500.00
3	Leave, allow or permit to remain any refuse on private property	2.3	\$500.00
4	Leave, allow or permit to remain any refuse on municipal land	2.3	\$500.00
5	Deposit privately generated waste in public garbage or recycling bins	2.4(a)	\$500.00
6	Deposit privately owned waste into containers belonging to another person or owner	2.4(b)	\$500.00
7	Fail to remove refuse within prescribed time	2.5	\$500.00
8	Fail to comply with a notice	3.8	\$500.00
9	Fail to comply with an order	3.8	\$500.00
10	Hinder or obstruct an Officer	6.2	\$500.00

NOTE: The penalty provision for the offences indicated above is section 7.1 of By-law 2025-42, a certified copy of which has been filed.