



THE CORPORATION OF THE COUNTY OF WELLINGTON

BY-LAW 5763-22

A by-law to prohibit dirt, gravel or other materials from being deposited on highways.

WHEREAS Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended ("the Act") provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance their municipality's ability to respond to municipal issues; and

WHEREAS Subsection 11(1) of the Act provides that a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection 11(4); and

WHEREAS Subsection 11(3) of the Act, provides that a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4) respecting highways within the municipality's jurisdiction; and

WHEREAS Subsection 127 of the Act provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and

WHEREAS Subsection 128 of the Act provide that a municipality may 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 Subsection 446(1) of the Act provides that if a municipality has the authority under this or any other Act or under a by-law under this 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(3) of the Act provides that a municipality may recover the Cost 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 Cost to the tax roll and collecting it in the same manner as property taxes.

NOW THEREFORE the Corporation of the County of Wellington hereby enacts as follows:

1. For the purpose of this by-law:
 - a) County - means The Corporation of the County of Wellington
 - b) By-law Enforcement Officer - shall mean a person duly appointed by the County to enforce this By-law;
 - c) County Engineer - shall mean the County Engineer for the County of Wellington and his or her designate or successor;
 - d) County Road - means any Highway as defined in the Act and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, laneway, viaduct, or trestle any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
 - e) Owner - means the Person(s) that appear on the last assessment roll of the County of Wellington;
 - f) Person - includes a natural individual, corporation, partnership or association;
 - g) Property - means any land in private ownership in the County of Wellington including yards and vacant lots.
2. No Person shall permit or cause dirt, gravel or other materials from being deposited on any County Road in a manner that in the County Engineer's opinion, creates a hazard or nuisance to the public.
3. Where any person deposits dirt, gravel or other material on a County Road, the County Engineer shall notify the Owner or occupant of the property in violation and require them to do any work that is necessary to remove and prevent the material from being deposited on County Roads.
4. When the County Engineer determines that a contravention of this By-law exists, the By-law Enforcement Officer may issue a Notice of Violation to the Owner of the Property to remedy the contravention within a specified time.
5. A Notice of Violation may be delivered to the Owner of the Property by hand or first class mail to the address of the Owner shown on the last assessment roll. Such service shall be deemed to be good and sufficient service of the Notice of Violation on the Owner immediately at the time of hand -delivery or five days after the date on which it is mailed.

6. Whenever any work is required to be done in accordance with this By-law pursuant to a Notice of Violation, in default of the work being done by the Person directed to do it within the time prescribed in the Notice of Violation, such work may be done by the County or its agents at the expense of the Person and all expenses incurred by the County from such remedial work may be added to the tax roll for the Property and collected in the same manner as taxes.
7. Any Person who fails to comply with a Notice of Violation issued under this Bylaw is guilty of an offence and upon conviction is liable to a fine pursuant to Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
8. This by-law may be cited as the Fouling of Highways By-law.
9. This by-law shall come into force and take effect upon its final passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED JUNE 30, 2022.





KELLY LINTON - WARDEN



DONNA BRYCE - COUNTY CLERK