

TOWN OF MARKHAM

ONTARIO



BY-LAW 126-72

A BY-LAW TO PROHIBIT, REGULATE, INSPECT THE USE OF LAND OR STRUCTURES FOR DUMPING OR DISPOSING OF GARBAGE, REFUSE OR DOMESTIC OR INDUSTRIAL WASTE OF ANY KIND

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to 5 August, 2003)

AS AMENDED BY:

By-law 133-86 - April 8, 1986
By-law 14-90 - January 16, 1990



126-72

To prohibit, regulate, inspect the use of Land or
Structures for Dumping or Disposing of
Garbage, Refuse or Domestic or Industrial
Waste of any kind.

WHEREAS Section 354 (1) (116) of the *Municipal Act* does provide that a municipality may pass a by-law prohibiting or regulating and inspecting the use of land for the dumping or disposing of garbage, refuse or domestic or industrial waste of any kind.

**THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS
AS FOLLOWS:**

1. In this By-law:
 - (a) "Corporation" means The Corporation of the Town of Markham,
 - (b) "Commissioner" means Building Director,
 - (c) "Domestic waste of any kind" includes:-
 - (i) garbage;
 - (ii) accumulations, debris, deposits, leavings, litter, refuse, remains, rubbish, trash, effluent.
 - (d) "Industrial waste of any kind" includes:-
 - (i) waste material, articles, things, matter, effluent which in whole or in part or fragments thereof, is derived from or is constituted from or consists of agricultural products or animal products or vegetable products or wood products or paper products or mineral products or metal products or chemical products whether or not the products are in their natural state or condition or whether or not the products are manufactured or otherwise processed;
 - (ii) refuse, inoperative vehicles, mechanical equipment, vehicle parts, mechanical parts, accessories or adjuncts to the vehicles or

mechanical equipment, automotive parts, furnaces, furnace parts, pipes, fitting to pipes, water or fuel tanks, furniture, lumber, paper or other types of cartons, crockery, old clothing, material from construction or demolition projects, inert fill, rubble, animal waste, including bones, feathers, hide, or any other waste material, articles, things, matter or effluent, in whole or in part or fragments thereof.

- (e) "waste material, articles, things or effluent" includes material, articles, things, matter or effluent that, in the opinion of the Commissioner:-
 - (i) appears to have been cast aside or discarded or abandoned;
 - (ii) appears to be worthless or of no practical value or use;
 - (iii) appears to be used up, in whole or in part, or expended or worn out in whole or in part.

- 2. All land or structures shall be kept free and clear of domestic waste of any kind or industrial waste of any kind.

- 3. No land or structures shall be used for dumping or disposing of domestic waste of any kind or industrial waste of any kind.

- 4. No person shall use land or structures in the Town of Markham for dumping or disposing of domestic waste of any kind or industrial waste of any kind.

- 5. No owner, lessee or occupant shall permit or allow or acquiesce in or fail to prevent the use of land or structures of the owner, lessee, or occupant for dumping or disposing of domestic waste of any kind or industrial waste of any kind.

- 6. Every owner, lessee or occupant shall cover over any garbage, refuse, domestic waste of any kind or industrial waste of any kind in such a manner as may be prescribed by the Commissioner.

- 7. (a) Notwithstanding Sections 2, 3, 4 and 6, domestic waste of any kind or industrial waste of any kind may be dumped or disposed on lands or in structures which have been designated for that purpose by By-law of the Corporation.

(b) This By-law does not apply to the use of any land or structure by the Corporation.

- 8. The Commissioner or any person authorized by him for any purpose related to the

administration or enforcement of this By-law, may, at all times, enter upon and inspect land or structures in the Town of Markham.

9. No person shall hinder or molest or interfere with the Commissioner or a person or persons authorized by him to administer or enforce this By-law in the administration or enforcement of this By-law.

10. The Commissioner or any person authorized by the Commissioner to administer this by-law may require, by notice sent by registered post or by demand served personally on the owner, lessee or occupant of land or structures, that the owner, lessee or occupant within the time specified therein,
 - (a) cease using the land or structures for dumping or disposal of domestic waste of any kind or disposal of industrial waste of any kind;
 - (b) take measures to prevent the use of the land or structures for dumping or disposing of domestic waste of any kind or industrial waste of any kind;
 - (c) cover over any domestic waste of any kind or industrial waste of any kind.

(Sec. 10 - amended by
By-law 14-90)

11. Where the owner, lessee or occupant fails to comply with the requirements of Section 10, the Commissioner may cause the work to be done at the expense of the owner, lessee or occupant.

12. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$2,000.00.

(Sec. 12 - amended by
By-law 133-86)