



## STAFF REPORT ACTION REQUIRED

### Amendments to Chapter 548 of the Toronto Municipal Code Littering and Dumping

<b>Date:</b>	September 16, 2009
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Jim Hart – Executive Director Municipal Licensing and Standards Division
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2009\Cluster B\MLS\Ls09020mls

#### SUMMARY

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The purpose of this report is to recommend amendments to Chapter 548 which will improve the ability of staff to enforce the chapter, by clarifying definitions and implementing previously identified technical amendments.

#### RECOMMENDATIONS

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**The Executive Director, Municipal Licensing and Standards, recommends that:**

1. Council adopt the proposed amendments to Chapter 548, Littering and Dumping of Refuse, as found in Appendix “A”, attached to this report.

#### Financial Impact

There are no financial implications resulting from this report.

## **ISSUE BACKGROUND**

Currently under Chapter 548, Littering and Dumping of Refuse, the definition of “Inoperative Vehicle” includes vehicles that are missing parts or are damaged such that it may prevent the mechanical function of that vehicle, and also includes any vehicle operative or not, that does not display a license plate with a permit validation sticker attached. Once a vehicle is deemed to be an inoperative vehicle it is considered to be refuse. District investigations staff of MLS requested that the definition of “Inoperative Vehicle” be amended to remove the requirement to display a license plate with a validation sticker.

During the course of examining the request by MLS staff, it was determined that a few other minor amendments were required in Chapter 548.

## **COMMENTS**

With respect to dealing with inoperative vehicles as refuse, the intent of Chapter 548 was to deal with vehicles that were mechanically impaired, and thus not driveable to be classified as refuse. Having the requirement that a vehicle must also display a valid license plate and validation sticker meant that vehicles that had no mechanical issues and could be driven, with no proper plates, were being classified as refuse. This is not the intent of the Chapter and staff are recommending that the definition be amended to only deal with a mechanical impairment.

Other technical amendments that were determined to be needed by staff include:

- The details of the definition of “Health Hazard” have been transposed from the Health Protection and Promotion Act into the chapter. A recent decision by the courts has criticized the City for referring to other legislation as a form of reference.
- By adding a definition for the term “Vehicle” brings this chapter in line with the definition contained in the draft zoning by-law, and includes trailers.
- Article 548. 6. paragraphs A. & B. have been amended to include persons or entities who may benefit from refuse being dumped, these person or entities being responsible for dumping the refuse, (the actual dumper), permitting the refuse to be dumped (the owner of the truck or means of conveyance) and causing the refuse to be dumped (the original owner of the refuse).
- Article 548.6.B. has been amended to clarify that a pool which is being used and maintained, but not actually in use does not require draining.

It is expected that these amendments will expedite the ability of staff to bring investigations conducted under this chapter to a successful completion.

## **CONTACT**

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## **SIGNATURE**

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Jim Hart  
Executive Director  
Municipal Standards & Licensing Division

## **ATTACHMENTS**

Appendix 'A' - Proposed By-law Amendments to Chapter 548.

## **Appendix “A” – Proposed By-law Amendments**

### **To amend the City of Toronto Municipal Code Chapter 548**

1. Article 548-1. is amended by deleting the Definition of Health Hazard and Inoperative Vehicle and substituting the following and adding definitions for the **HEALTH HAZARD** - means,

- (a) a condition of a premises,
- (b) a substance, thing, plant or animal other than man, or
- (c) a solid, liquid, gas or combination of any of them, that has or that is likely to have an adverse effect on the health of any person;

**INOPERATIVE VEHICLE** — a vehicle having missing, damaged or deteriorated parts or any condition that may prevent its mechanical function.

**PERSON** –Includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

**VEHICLE** - means a wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction, agriculture or recreation.

2. Article 548-3. be amended by deleting paragraph A, and substituting the following:
  - A. No person shall, throw, place, dump, deposit or permit or cause to be thrown, placed, dumped or deposited any refuse on any highway within the city.
3. Article 548-3 be amended by deleting paragraph B and substituting the following:
  - B. In the case of land that is not a highway, no person shall throw, place, dump or deposit or permit or cause to be thrown, placed, dumped or deposited any refuse on any land not including buildings, within the City, including ponds, lakes, rivers and watercourses, without the consent of the owner or occupant of the property
4. Article 548 – 6, the second requirement of an owner is deleted and replaced with the following.
  - (2). Prevent accumulation of water in any swimming pool not maintained for use.