

COMMITTEE OF THE WHOLE—APRIL 24, 2012

DUMPING BY-LAW AMENDMENT

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor recommends that Council amend Dumping By-law 3-2004 in accordance with the amendment recommended in this Report.

Contribution to Sustainability

The proposed amendment will help stem the dumping of waste on City Property.

Economic Impact

There is no economic impact as a result of this Report.

Communications Plan

Not Applicable

Purpose

The purpose of this Report is to seek Council approval for an amendment to Dumping By-law 3-2004 facilitate the prosecution of charges.

Background - Analysis and Options

Dumping By-law 3-2004 (the "Dumping By-law") prohibits any person from throwing, placing, dumping, or depositing any waste on City of Vaughan property. One of the primary aims of the Dumping By-law is to prevent commercial vehicles from dumping waste onto City Property such as boulevards and parks. License plate numbers are typically obtained by individuals who witness the illegal dumping, which are then forwarded to Enforcement Services, and the vehicle owner is charged. Regional Prosecutors, however, are unable to proceed with these charges as they are unable to prove beyond a reasonable doubt that the vehicle owner is the person who is actually dumping the waste. Accordingly, Staff are recommending that the Dumping By-law be amended to include a presumptive clause. This clause creates a presumption that it is vehicle owner committing the offence, unless proven otherwise by the vehicle owner. A similar presumption clause is already utilized in the City's Sign By-law. This amendment will permit Regional Prosecutors to proceed with these charges.

Relationship to Vaughan Vision 2020/Strategic Plan

This Report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

N/A

Conclusion

Regional Prosecutors are unable to proceed on charges for illegal dumping, as they are unable to prove the identity of the person committing the dumping beyond a reasonable doubt. The

addition of a presumptive clause into the Dumping By-law will facilitate the prosecution of these charges.

Attachments

N/A

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Respectfully submitted,

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Commissioner of Legal and Administrative Services & City Solicitor