



The Corporation of the County of Essex

By-Law Number 2023-XX

A By-law to transfer all power of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste in the County of Essex, pursuant to the provisions of Sections 189 and 190 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

Whereas, on or about September 19, 1990, pursuant to the provisions of Section 209(a) of the *Municipal Act*, R.S.O. 1980, c. 302, by way of By-law No. 2847 all waste management functions, except the collection of waste, the delivery of waste, and the treatment of sewage sludge, were transferred from the lower-tier municipalities of the County of Essex to the upper-tier County of Essex;

And whereas Section 188 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that both "lower-tier power" and "upper-tier power" means a power that may be exercised, among other things, with respect to "waste management";

And whereas Section 189 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that "[a]n upper-tier municipality may pass a by-law to provide for, (a) the transfer of all or part of a lower-tier power to the upper-tier municipality from one or more of its lower-tier municipalities which are specified in the by-law; and (b) transitional matters to facilitate the assumption of the lower-tier power";

And whereas Council for the Corporation of the County of Essex deems it expedient to transfer the powers of the lower-tier municipalities of the County of Essex with respect to the collection of waste and the delivery of such waste to the County of Essex;

And whereas this By-law Number 2023-XX is related to By-law No. 2847 (a copy of which is appended hereto as **Schedule "A"**), By-law No. 2866 (a copy of which is appended hereto as **Schedule "B"**), By-law No.

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3201-95 (a copy of which is appended hereto as **Schedule "C"**), and By-law No. 3272-97 (a copy of which is appended hereto as **Schedule "D"**).

Now therefore the Council of the Corporation of the County of Essex hereby enacts as follows:

- 1) Section 3(c) of By-law No. 2847 be and is hereby repealed, but with all other provisions of By-law No. 2847 remaining in full force and effect;
- 2) The Corporation of the County of Essex hereby assumes all powers and transfers all powers from its lower-tier municipalities with respect to the collection of waste and the delivery of such waste;
- 3) Nothing in this By-law Number 2023-XX shall be deemed to include the storage, processing, and/or treatment of sewage sludge, which power is expressly preserved for the lower-tier municipalities of the County of Essex;
- 4) This By-law Number 2023-XX shall come into force and take effect after:
 - i. the final passing of this By-law 2023-XX by Council for the Corporation of the County of Essex; and
 - ii. a majority of the councils of the lower-tier municipalities forming part of the County of Essex for municipal purposes have passed resolutions giving their consent to this By-law Number 2023-XX, with the total number of electors in the lower-tier municipalities that have passed resolutions giving their consent to this By-law Number 2023-XX forming a majority of all electors in the County of Essex.
- 5) Following this By-law Number 2023-XX coming into force and taking effect:
 - i. the Corporation of the County of Essex may exercise the transferred lower-tier power specified in this By-law 2023-XX;
 - ii. the lower-tier municipalities of the County of Essex are bound by the By-law Number 2023-XX and no longer have the power to exercise the transferred lower-tier power;

- iii. any existing by-law or resolution of a lower-tier municipality that relates to the transferred lower-tier power specified in this By-law 2023-XX shall, to the extent it applies in any part of the affected lower-tier municipality, be deemed to be a By-law or resolution of the County of Essex; and
- iv. any existing by-law or resolution referred to in clause iii. above shall remain in force in the affected lower-tier municipality, or the affected part of the said lower-tier municipality, until the earlier of:
 - a) two years after this By-law Number 2023-XX comes into force; and
 - b) the day the existing lower tier by-law or resolution is repealed by the County of Essex.
- 6) Further, following this By-law Number 2023-XX coming into force and taking effect, the County of Essex may continue anything that any of its lower-tier municipalities began under the transferred lower-tier power specified by this By-law Number 2023-XX but did not complete.
- 7) Further, following this By-law Number 2023-XX coming into force and taking effect, no lower-tier municipality of the County of Essex may exercise any power related to the collection of waste and the delivery of such waste, without the consent of the Corporation of the County of Essex, which consent may be provided by the Corporation of the County of Essex on such terms and conditions as may be deemed expedient during the transition of the power of collection of waste and the delivery of such waste from the lower-tier municipalities of the County of Essex to the Corporation of the County of Essex.
- 8) Council for the Corporation of the County of Essex specifically authorize the Warden and Clerk of the Corporation of the County of Essex to execute such further and other documents as may be required to give effect to this By-law Number 2023-XX, including, but not limited to, for the assignment of contracts related to the collection of waste and the delivery of such waste from the lower-tier municipalities to the Corporation of the County of Essex.

Read a first, second and third time and Finally Passed this Choose an item. **day of** Choose an item., **2023.**

Hilda MacDonald, Warden

Mary S. Birch, Clerk

Clerk's Certificate

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 20XX-XX** passed by the Council of the said Corporation on this Choose an item. **day of** Choose an item., **2023.**

Mary S. Birch, Clerk
Corporation of the County of Essex