

The Corporation of the Town of Tecumseh

By-Law Number 2023-092

Being a by-law to consent to the transfer to the Corporation of the County of Essex of all power of the Town of Tecumseh as a lower tier municipality with respect to the collection of waste and the delivery of such waste in the Town of Tecumseh 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, and by way of County of Essex 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 the Council of The Corporation of the County of Essex did pass County of Essex By-law Number 2023-40 on August 16, 2023, 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;

And Whereas Section 189(2)(b) and (c) states that such a by-law of an upper-tier municipality to transfer all or part of a lower-tier power to the upper-tier municipality shall not come into force unless a majority of the councils of all the lower-tier municipalities forming a majority of all electors of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law;

And Whereas the Council of The Corporation of the Town of Tecumseh deems it desirable to consent to the transfer of 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;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. The Council of The Corporation of the Town of Tecumseh hereby expressly consents to County of Essex By-law Number 2023-40.

2. The Council of The Corporation of the Town of Tecumseh consents to the assumption and transferring of all powers with respect to the collection of waste and the delivery of such waste to The Corporation of the County of Essex;
3. Nothing in this by-law 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. Following County of Essex By-law 2023-40 coming into force and taking effect:
 - A) any existing by-law or resolution of the Town of Tecumseh that relates to the transferred lower-tier power specified shall, to the extent it applies in any part of the Town of Tecumseh, be deemed to be a By-law or resolution of the County of Essex;
 - B) any such existing by-law or resolution shall remain in force in the Town of Tecumseh, or the affected part of the said Town of Tecumseh, until the earlier of:
 - (1) two years after County of Essex By-law Number 2023-40 comes into force; and
 - (2) the day the existing Town of Tecumseh by-law or resolution is repealed by the County of Essex.
5. Further, following County of Essex Number By-law 2023-40 coming into force and taking effect:
 - A) the County of Essex may continue anything that the Town of Tecumseh began under the transferred lower-tier power specified but did not complete; and
 - B) the Town of Tecumseh shall not 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.
6. This by-law shall come into force and take effect on the date of its final passing.

Read a first, second, third time and finally passed this 12th day of September, 2023.

Gary McNamara, Mayor

Robert Auger, Clerk