

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NO. 13-032

**A By-law of The Corporation of the Township of Tiny to
provide for Maintaining Land in a Clean and Clear Condition.**

WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a local municipality may require the owner or occupant of land to clean and clear the land, not including buildings or to clear refuse or debris from the land, not including buildings, and to regulate when and how these matters shall be done, and to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, as well as to define "refuse" for the purpose of this section;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 131 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a lower-tier municipality may prohibit and regulate the use of land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or disposition;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may create offences for contraventions of by-laws and section 429 provides for the authority to establish fines for such offences;

AND WHEREAS Section 444 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality is satisfied that a contravention of a by-law passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Section 445 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS Section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes municipalities to direct that where an owner has defaulted, the municipality may have the default remedied at the owner's expense and add the cost to the tax roll;

NOW THEREFORE the Council of The Corporation of the Township of Tiny hereby enacts as follows:

TITLE

This by-law shall be known and may be cited as the "Clean Yards By-law"

1. **DEFINITIONS**

In this By-law:

- 1.1 "boat" means any vessel which floats on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land;
- 1.2 "domestic waste" means any debris, rubbish, garbage, article, matter or effluent usually belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following examples:
 - 1.2.1 Accumulation or deposits of grass clippings, weeds, brush, tree and garden cuttings;
 - 1.2.2 Litter, food remains, rubbish, and trash, excluding properly kept and maintained compost piles;
 - 1.2.3 Refrigerators, freezers, stoves or any other appliance or furniture;
 - 1.2.4 Furnace, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - 1.2.5 Inoperative motor vehicles, vehicle parts and accessories, and vehicle tires mounted or unmounted on rims;
 - 1.2.6 Paper, cartons, cardboard, clothing;
 - 1.2.7 New or used material resulting from or once used for the purpose of construction, alteration, repair or demolition of any building or structure;
 - 1.2.8 Cans, glass, plastic containers, dishes or crockery;
 - 1.2.9 Rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
 - 1.2.10 Human or animal waste;
- 1.3 "industrial waste" means any debris, rubbish, garbage, article, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation but is not limited to the following examples:
 - 1.3.1 Articles, things, matter or effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of, agricultural, animal, vegetable, paper, lumber, or wood products, or mineral, metal, or chemical products;
 - 1.3.2 Inoperative motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims;

- 1.3.3 Mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- 1.3.4 Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing, conduits or cable;
- 1.3.5 Containers of any size, type or composition;
- 1.3.6 Material resulting from, or as part of, construction or demolition projects;
- 1.3.7 Paper, cardboard, packaging or wrapping;
- 1.3.8 Rubble, inert fill;
- 1.3.9 Bones, feather, hides;
- 1.4 **"inoperative boat"** means a boat having missing bodywork, components or parts, or damaged components, parts, bodywork, glass or deteriorated or removed metal adjunctions, which prevent it from functioning in the way for which it was originally designed;
- 1.5 **"inoperative motor vehicle"** means a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed metal adjunctions, which prevent it from functioning mechanically in the way for which it was originally designed and includes a vehicle which does not have valid license plates for the current year whether or not it is inoperative;
- 1.6 **"Officer"** means a Municipal Law Enforcement Officer for The Corporation of the Township of Tiny;
- 1.7 **"owner"** means the registered owner of the property and, for the purpose of this By-law, includes any lessee or tenant, occupant or any person having an interest whether equitable or legal in the land;
- 1.8 **"person"** shall include all transients, owners, tenants and occupiers of lands within the municipality, and shall include any individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law;
- 1.9 **"refuse"** shall mean debris, domestic waste and/or industrial waste as defined in this By-law and materials or effluent that, in the opinion of the Officer:
 - 1.9.1 appears to have been cast aside, discarded or abandoned; or
 - 1.9.2 appears to be worthless or useless or of no practical value; or
 - 1.9.3 appears to be used up, in whole or in part, or expended or worn out in whole or in part;

- 1.10 "stagnant water" means non-flowing, motionless or stale water that remains in a location;
- 1.11 "Township" shall mean The Corporation of the Township of Tiny;
- 1.12 "Noxious Weed" means, as defined in the *Weed Control Act*, R.S.O. 1990, c. W5, as amended, a plant that is deemed to be a noxious weed under subsection 10 (2) or designated as a noxious weed under clause 24 (a) of that *Act*;

2 GENERAL PROVISIONS

- 2.1 No person shall fail to keep their grounds, land or vacant lot in an orderly, tidy and litter-free manner.
- 2.2 No person shall fail to keep their lands free and clear of all refuse of any kind, except when screened, secured or contained pursuant to written instructions of the Chief Municipal Law Enforcement Officer.
- 2.3 No person shall use any land or structure within the Township for dumping or disposing or storing or keeping of refuse of any kind.
- 2.4 Subsections 2.2 and 2.3 above do not apply to the following:
 - 2.4.1 land or structures used by the Township for the purpose of dumping or disposing of refuse;
 - 2.4.2 land designated by by-law of the Township for the purpose of dumping or disposing of refuse.
- 2.5 No person shall fail to maintain their land clean and free from any dead, diseased, decayed or damaged trees or other natural growth.
- 2.6 No person shall fail to remove or destroy any Noxious Weed located on their land.
- 2.7 No person shall fail to keep their land, their lawn, all grass, other non-noxious weeds and other vegetation cut and trimmed so as to be no more than 30 cm in height and of a reasonably neat appearance.
- 2.8 No person shall fail to keep their land free and clear of stagnant water by draining it or by implementing a strategy for reducing mosquito breeding that has been approved by an Officer. This section shall not apply to lands designated Environmental Protection I (EPI) in the Township's Official Plan or to marshes, swamps, bogs and fens.
- 2.9 Except as permitted in the Township's Zoning By-law 06-001, as amended, no person shall fail to keep their land clean and free from the following:
 - 2.9.1 inoperative motor vehicles or motor vehicles to be wrecked or dismantled for their parts or otherwise;
 - 2.9.2 inoperative boats or boats to be wrecked or dismantled for their parts or otherwise; and

2.9.3 wrecked, dismantled, unlicensed or discarded trailers or trailers to be wrecked or dismantled for their parts or otherwise.

3 ORDERS

3.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Work Order, requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

3.2 The Work Order shall set out:

3.2.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

3.2.2 the work to be done and the date by which the work must be done.

3.3 A Work Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

3.4 The Officer may, through the Work Order, require the owner to:

3.4.1 to clean, clear or remove from the land or structure any refuse of any kind;

3.4.2 to cease using the land or structure for the dumping or disposing of refuse of any kind;

3.4.3 to cover over, screen, shield or enclose the refuse in the manner prescribed by the Officer;

3.4.4 to drain stagnant water or implement another strategy to reduce mosquito breeding.

3.5 A Work Order under Section 3.1 may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.

3.6 No person shall fail to comply with a Work Order issued pursuant to Section 3.1.

3.7 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Discontinue Activity Order, requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

3.8 The Discontinue Activity Order shall set out:

3.8.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

3.8.2 the date by which there must be compliance with the Discontinue Activity Order.

3.9 A Discontinue Activity Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

3.10 No person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 3.7.

3.11 In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property owner.

4 REMEDIAL ACTION

4.1 Where an Order has been issued to direct or require an owner or person to do a matter or thing, in default of it being done by the person directed or required to do it, the Township may cause the matter or thing to be done at the person's expense.

4.2 The Township may cause anything to be done that was provided for in an Order, including causing any of the following to be done:

4.2.1 to clean, clear or remove refuse of any kind;

4.2.2 to cover over, screen, secure, shield or enclose refuse in the manner prescribed by the Officer;

4.2.3 to correct, eliminate or drain stagnant water or implement another strategy to reduce mosquito breeding.

4.3 Where any of the matters or things are removed in accordance with Section 4.1, the matters or things may be immediately disposed of.

4.4 The Township shall recover the expense in doing a matter or thing referred to in Section 4.1 by action, or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

5 **ENTRY AND INSPECTION**

- 5.1 An Officer may enter onto land at any reasonable time as set out in the Township of Tiny Power of Entry By-law 07-082, as amended.

6 **OBSTRUCTION**

- 6.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 6.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

7 **PENALTY**

- 7.1 In addition to any other remedy available to the Township, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 7.2 Every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$100 and the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 7.3 For the purpose of continuous offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 7.3.1 Notwithstanding Section 7.3 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 7.4 For the purpose of multiple offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 7.4.1 Notwithstanding Section 7.4 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

8 REPEAL OF PREVIOUS BY-LAWS


8.1 That By-laws 94-36 and 03-058 are hereby repealed.

9 EFFECTIVE DATE

9.1 This By-law shall come into force and take effect on the date of passing.

READ A FIRST AND SECOND TIME THIS ^{13th} DAY OF ^{May} 2013.

READ A THIRD TIME AND FINALLY PASSED THIS ^{13th} DAY OF ^{May} 2013.



MAYOR, Ray Millar



CHIEF ADMINISTRATIVE OFFICER/CLERK, Doug Luker