

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 3810

A BY-LAW to establish and maintain clean and clear lands and to repeal by-law 2996.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person, for the purpose of exercising its authority under this or any other Act;

WHEREAS Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c.25 states that a lower-tier municipality may pass by-laws, respecting matters within certain spheres of jurisdiction;

AND WHEREAS Council may pass by-laws under the following provisions of the Municipal Act as amended;

AND WHEREAS Section 127 of the Municipal Act 2001, S.O. 2001, c.25, as amended, permits a municipality may pass by-laws requiring a 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 for regulating when and how such matters shall be done, for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of land and for defining "refuse";

AND WHEREAS Section 391 (1) of the Municipal Act, 2001, S.O. 2001 c. 25 states that section 11 authorizes a municipality to impose fees or charges on persons, for services or activities provided or done by the municipality.

AND WHEREAS section 446 of the Municipal Act 2001, S.O. 2001, c. 25 as amended provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the Municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense and the Municipality may recover costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TILLSONBURG ENACTS AS FOLLOWS:

SECTION 1 SCOPE OF BY-LAW

1.1 SHORT TITLE

This By-law and any amendments thereto shall be known as the "Tillsonburg Clean Yard By-law."

1.2 INTENT AND SCOPE

The purpose of this By-law is to: establish and maintain lands in a clean and clear condition, within the corporate limits of the *Town of Tillsonburg*.

1.3 CONTENT OF BY-LAW

All references in the By-law to sections, regulations, exceptions, Tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.

1.4 RELATION TO OTHER GOVERNMENT REQUIREMENTS (COMPLIANCE WITH OTHER REGULATIONS)

This By-law shall not be construed so as to reduce or mitigate restrictions or regulation that is lawfully imposed by the *Town*, or by any governmental authority having jurisdiction to make such restrictions or regulations. Compliance with this By-law does not relieve a *property owner* from complying with:

- a) the requirements of the Ontario Building Code;
- b) the requirements of any federal, provincial, regional, or *conservation authority* legislation or regulations; or any By-law of the *Municipality*.

SECTION 2 DEFINITIONS AND INTERPRETATION

2.1 DEFINITIONS

The terms set out below shall have the following meanings in this By-law:

“BY-LAW ENFORCEMENT OFFICER” means a *person* appointed by the *Council* of The Corporation of the Town of Tillsonburg or their designate for the purpose of enforcing Municipal by-laws and, for the purpose of this By-law

“CONSTRUCTION WASTE” includes every and all material used for residential, commercial and industrial construction. The term construction waste does not include material with a designated use. Designated use is defined as material to be utilized in the project within 30 days of such items arrival at the construction site. Construction waste shall not include any material for which the by-law officer has specifically exempted, with reference to this by-law, in any sub-division agreement. Construction waste shall not include any material for which the Town has specifically exempted in writing

“DERELICT” shall include any vehicle, machinery, trailer, boat, or vessel;

- a) which has broken or missing parts of such sufficiency so as to render it incapable of being licensed to operate where such licensing as necessary in its current condition but shall not include a motor vehicle actively being repaired or restored by the owner or;
- b) which is in a wrecked dismantled, discarded, inoperative or abandoned condition

“DERELICT VEHICLE” means a motor vehicle as defined in the Highway Traffic Act that is:

- a) inoperative by reason of removed wheels battery motor transmission or other equipment necessary for its operation.
- b) not in roadworthy condition

c) in a state of disrepair or unsightly by reason of missing door, glass or body

“DWELLING UNIT” means a suite of two or more rooms, designed or intended to be used for human habitation and to accommodate a single household, in which sanitary conveniences and cooking facilities are provided and which has a private entrance either from the outside of the building or through a common hallway

“GARBAGE” has the same meaning as waste material

“HIGHWAY” shall have the same meaning as the Highway Traffic Act, RSO 1990, c.H.8, as amended, and shall include a common and public highway, street, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof

“INDUSTRIAL WASTE” means any article, thing, matter or any 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 that appears to be waste material

“MOTOR VEHICLE” includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, RSO 1990, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine

“NATURALIZED AREA” means a landscape area that has been deliberately implemented to produce ground cover which consists of one or more species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof

“ORDER” mean the written order as set out in Section 8 of this by-law

“OWNER” means a registered owner of land, or any person in control of land, including a lessee or an occupant thereof

“PERSON” means an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, and agency; and includes an owner

“PRIVATE DRAIN” means a drain or sewer or part thereof situated on private property

“REFUSE” has the same meaning as waste material

“SEWAGE” includes any liquid waste containing human, vegetable, animal or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off

“STANDING WATER” means any water, other than a natural body of water that exist on a permanent basis or contained within a municipally owned storm water management facility, that is found either on the ground or in waste as defined in this by-law, but shall not include any of the following maintained in good repair and working condition; swimming pool, hot tub, wading pool, drainage swale or artificial pond

“TOWN” means the Corporation of the Town of Tillsonburg

“WASTE MATERIAL” means material or substance that is unusable or unwanted effluent that,

in the opinion of the By-Law Enforcement Officer but is not limited to:

- a) Broken or discarded material
- b) Disconnected appliances and /or parts of such appliances
- c) Indoor furniture
- d) Domestic Waste
- e) Industrial waste
- f) Inoperable/Derelict Vehicles/Parts
- g) Material resulting from construction
- h) Appears to be abandoned, worthless, worn out and of no practical value

“YARD” means the land within the boundary lines of a property not occupied by a principal building, if any, includes grounds or vacant property

“PUBLIC PROPERTY” means property owned by or under the control of the Town of Tillsonburg or any of its agencies, boards or commissions, including public highways, and shall be deemed to include Public Utility Poles

SECTION 3 GENERAL STANDARDS

3.1 Every owner shall ensure that his land is kept free and clear of any:

- i. Weeds, grass or ground cover that is more than 20 centimeters or (8 inches) in height
- ii. Garbage, domestic, industrial, construction waste or waste material of any kind
- iii. Derelict/inoperable vehicles or parts

3.2 Every owner of land shall ensure that:

- i. No person shall throw, place or deposit refuse or debris on private property without the written authority of the owner or occupant of the property
- ii. Every owner shall provide for the sanitary disposal of sewage and drainage from his or her land or buildings
- iii. Every owner shall keep his or her private drain in good repair
- iv. No person shall use any land or structure within the limits of the Town for dumping or disposal of garbage, refuse, domestic, industrial, construction waste or waste material of any kind, unless it is a approved dumping site by the Town

SECTION 4 NATURALIZED AREA

4.1 All naturalized areas must be in accordance with the following requirements:

- i. Any naturalized area on their land does not encroach above or onto any adjacent property
- ii. Where any naturalized area on their land is located within a sight line triangle, as defined by the Zoning By-law, such naturalized area complies with the maximum height regulations in the Zoning By-law respecting site triangles
- iii. No fill shall be allowed to remain in an unleveled state on any property longer than 10 days (10) days unless the property is:
 - a. A property on which a building permit or is in effect
 - b. A property being subdivided under subdivision agreement with the Town
 - c. Property upon which material is being stored with the approval of the Town of Tillsonburg in connection with a public works contract
 - d. Zoned for such use as per the Town of Tillsonburg's Zoning By-law

SECTION 5 COMPOSTING

5.1 All composting shall be carried out by the owner/tenant of the land in accordance with the following requirements:

- i. Composting shall take place only in a container, pile or digester
- ii. Composting shall take place in the rear yard of a property
- iii. Composting shall be set back at least 0.6 meters (2 feet) from any property line
- iv. The composting shall not take place within a swale
- v. The composter or compost pile shall be no larger than 4.5 cubic meters, in a residential zone or abutting a residential zone.
- vi. A compost container or pile must be covered at all times, in a residential zone or abutting a residential zone, except when being emptied, or filled.
- vii. Organic materials placed in composter shall be kept covered with yard waste, soil, or humus.
- viii. The compost shall emit no offensive odor and it shall not be allowed to attract or harbour any vermin
- ix. The composting shall take place on the property of the person owning, having charge of or harboring the composter or compost pile

SECTION 6 STANDING WATER

6.1 No person shall keep a swimming pool, hot tub, wading pool, or artificial pond unless it is maintained in good repair and working condition.

No person shall permit on the ground or in waste located on their property, standing water to accumulate or pond.

The owner of the property shall take all necessary steps to remove or dispose of the standing water. This may include but not limited to: draining or filling of excavations and depressions, installing screening or netting to prevent the breeding of mosquitoes, or the treatment of the property or any part thereof with a larvicide chemicals.

SECTION 7 ADMINISTRATION

7.1 This by-law shall be enforced by the By-law Enforcement Officers.

For the purpose of ensuring compliance with this By-law, a By-law Enforcement Officer may at all reasonable times enter upon and inspect any land to determine whether the following is being complied with:

- i. The provisions of this by-law
- ii. An order made under this by-law

An officer may, for the purpose of inspection:

- i. Require the production for inspection of documents or things relevant to the inspection
- ii. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts
- iii. Require information from any person concerning a matter related to the inspection
- iv. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection

Any cost incurred from this will be at the owner's expense.

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or other person exercising a power or performing a duty under this by-law.

SECTION 8 ENFORCEMENT

8.1 An officer may by written order, sent by regular mail to the last known address (last revised assessment roll), posted on site or personally delivered to owner or owners of property, within the time specified in the order to:

- i. Discontinue the contravening activity, and/or
- ii. Do work to correct the contravention

8.2 The order will state:

- i. the section that is in contravention of the by-law
- ii. the location/address of the contravention
- iii. reasonable particulars of the contravention
- iv. the work to be completed
- v. the date by which the work must be completed (minimum 10 days will be provided)

Where an owner contravenes an Order the officer may without any further notice cause the work to correct the contravention to be done at each owner's expense. Without limitation, the officer may retain such persons to assist in completing the work as the By-law Enforcement Officer determines appropriate.

All costs incurred by the Town in relation to such work may be recovered by the Town by being added to the tax roll and collected in the same manner as property taxes. An administrative fee will also be added as per the annual Rates and Fee By-law.

SECTION 9 PENALTY

Each person who contravenes any provision of this by-law is guilty of an offence.

A person convicted of an offence contrary to a provision of this by-law in a proceeding commenced under Part III of the Provincial Offences Act, R.S.O. 1990, c. P.33, is liable to a fine of no less than five hundred dollars(\$500.00), and no more than Ten Thousand Dollars (\$10,000) for each day or part of a day on which the offence occurs or continues provided that the total of all daily fines for the continuing offence shall not exceed One Hundred Thousand Dollars(\$100,000).

A person convicted of an offence contrary to a provision of this by-law in a proceeding commenced under Part 1 of the Provincial Offences Act, R.S.O. 1990, c. P.33, is guilty of an offence and on conviction is liable to a fine as provided in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

SECTION 10 SEVERABILITY

Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

SECTION 11 REPEAL

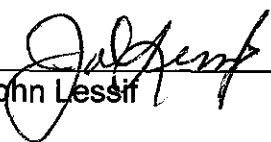
THAT By-Law No. 2996 is hereby repealed in its entirety.

SECTION 12 EFFECTIVE DATE

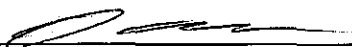
THAT this By-Law shall take effect on the date of its final passage by the Town's Council.

READ A FIST AND SECOND TIME THIS 28 DAY OF April , 2014.

READ A THIRD AND FINAL TIME AND PASSED THIS 28 DAY OF April , 2014



Mayor – John Lessif



Town Clerk – Donna Wilson