

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

BY-LAW NO. 1176-05

**A By-Law to Provide for the Maintaining
of Land in a Clean and Clear Condition**

WHEREAS Section 123 of the Municipal Act S.O. 2001, c.25, as amended, provides that a local municipality may, for the purpose of public safety, regulate with respect to cliffs, pits, deep waters and other dangerous places; and

WHEREAS Section 127 of the Municipal Act 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 prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and

WHEREAS Section 130 of the Municipal Act S.O. 2001, c.25, as amended, provides that a local municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety, and well-being of inhabitants of the municipality; and

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

WHEREAS the Council of the Corporation of the Township of Ear Falls deems it necessary and expedient to provide for the maintaining of land in a clean and clear condition;

NOW THEREFORE Council of the Corporation of the Township of Ear Falls **HEREBY ENACTS AS FOLLOWS:**

Definitions

- 1. As used in this By-Law, the following terms shall have the meanings indicated:**

1.1 "Title"

This By-Law may be cited as the "Property Maintenance By-Law".

1.2 "Scope"

This By-Law shall apply to all land within the Township of Ear Falls non-residential and vacant land.

1.3 "By-Law Enforcement Officer"

A By-Law Enforcement Officer of the Corporation of the Township of Ear Falls.

1.4 "Municipality"

The Corporation of the Township of Ear Falls.

1.5 "Inoperative Motor Vehicle"

A motor vehicle which is not operative or which is not currently licenced pursuant to the provisions of The Highway Traffic Act (Ontario) and amendments thereto, or a motor vehicle, which has had part or all of its superstructure or sources of motive power removed.

1.6 "Land"

Includes yard or vacant lot.

1.7 "Motor Vehicle"

Includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power.

1.8 "Owner"

An owner, lessee, or occupant of any land in the Municipality.

1.9 "Refuse"

Debris, rubbish, garbage, waste, or material of any kind whatsoever and without limiting the generality of the foregoing includes accumulations, littering, remains, trash, discarded or inoperative mechanical equipment, automotive and mechanical parts, disused or discarded furniture, garden refuse and trimmings, paper, cartons, crockery, glass, cans, containers, earth or rock fill, old or decaying lumber, or material from construction or demolition projects, domestic, commercial and industrial waste.

1.10 "Yard"

An open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky.

General Provisions

2. "Conflict"

In the event of any conflict between this By-Law and any other By-Law of the Municipality, the more restrictive provision shall prevail unless the context requires otherwise.

3. "Depositing of Refuse – Hazard"

No person shall deposit or cause to be deposited refuse or objects on any lands that may create a health, safety or accident hazard.

4. "Depositing of Snow or Ice"

A. No person shall deposit or cause to be deposited snow or ice accumulations on lands that may create a health, safety or accident hazard.

- B. No person shall deposit or cause to be deposited snow or ice from private lands onto public lands.

5. "Depositing of the Growth of Trees – Other"

Being the owner of private lands, no person shall deposit the growth of hedges, shrubs, trees or similar growth on such private lands to interfere with the use of a highway, Municipal sidewalk, or land.

6. "Grass and /or Weeds Trimmed – Maximum Height"

Grass and/or weeds shall be kept trimmed so as to not exceed 20 centimetres in height. Being the owner of private lands, no person shall permit the growth of grass and/or weeds on such lands in excess of 20 centimetres in height.

7. "Storage of Inoperative Vehicles / Parts"

- A. No person shall permit land to be used for the storage of inoperative motor vehicle(s) or parts thereof except in accordance with the following:
- (1) the vehicle and parts are stored in an enclosed building;
 - (2) the vehicle and parts are fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair, in which case no more than one (1) such covered vehicle shall be permitted in any yard.
- B. Notwithstanding the above, this section shall not apply to the storage of motor vehicles and parts, which are reasonably necessary for the conduct of a bona fide business, lawfully conducted on the property.

8. "Depositing of Refuse – Private or Public Lands"

No person shall permit or cause to be permitted the throwing, placing or depositing of refuse on private land or public lands.

9. "Exemptions"

Notwithstanding the above, nothing in this By-Law shall be deemed to interfere with the filling or raising of land with earth or rock fill or with the disposal of refuse on any lands which have been designated for that purpose by By-Law of the Municipality.

10. "Ponding of Storm Water"

All lands shall be graded, filled up or otherwise drained so as to prevent recurrent ponding of storm water.

11. "Holes, Pits, Excavations, Trenches – Hazards"

No person shall permit or allow on property owned or occupied by such person any holes, pits, excavations, or trenches constituting a health or safety hazard.

Enforcement

12. Penalties; Offences

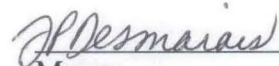
Any person who contravenes any provisions of Sections 3, 4A, 4B, 5, 6, 7A (1), 7A (2), 7A (2), 8, 10, 11 of this Chapter shall be guilty of an offence and shall be subject to a fine or penalty of not less than \$105.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

- 13. THAT** this By-Law shall come into force and take effect upon receipt of final approval from the Province of Ontario Crown Law Office and the Regional Superior Justice.

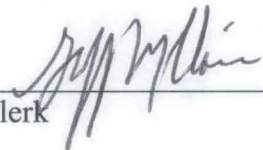
ENACTED AND PASSED THIS 6th DAY OF JULY, 2005 as witnessed by the Corporate Seal of the Corporation of the Township of Ear Falls and the hands of its proper Officers duly authorized in that behalf.

READ a First and Second time

this 6th day of July, 2005.



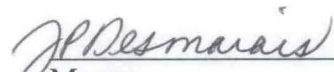
Mayor



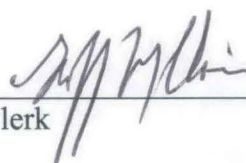
Clerk

READ a Third time and Finally

Passed this 6th day of July, 2005.



Mayor



Clerk

PART I PROVINCIAL OFFENCES ACT				
TOWNSHIP OF EAR FALLS		TITLE: PROPERTY MAINTENANCE BY-LAW		PAGE 1
ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine (includes costs)	
1.	(Deposit) (Cause to Deposit) (Refuse) (Object) on lands, create hazard	3	\$105.00	
2.	(Deposit) (Cause to Deposit) (Ice) (Snow) on lands	4A	\$105.00	
3.	(Deposit) (Cause to Deposit) (Ice) (Snow) from private land onto public land	4B	\$105.00	
4.	Owner of private land, deposit plant growth waste as to interfere with (Highway) (Municipal Sidewalk) (Land)	5	\$105.00	
5.	Owner of private land, fail to keep growth of (Grass) (Weeds) below 20 centimeters in height	6	\$105.00	
6.	Permit storage of inoperative motor vehicle (Parts), not in an enclosed building	7A (1)	\$105.00	
7.	Permit storage of inoperative motor vehicle (Parts), not completely covered with opaque tarpaulin	7A (2)	\$105.00	
8.	Permit storage or more than one (1) covered inoperative motor vehicle (Parts)	7A (2)	\$105.00	
9.	Permit (Cause to Permit) deposit of refuse on (Public) (Private) land	8	\$105.00	
10.	Fail to (Grade) (Fill) (Drain) land, as to prevent ponding of water	10	\$105.00	
11.	(Own) (Occupy) land, permit (Hole) (Pit) (Excavation) (Trench) which creates hazard	11	\$105.00	
Note: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.				