

# THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN

## BY-LAW 184

### Being a By-law to Provide for the Maintenance of Land in a Clean and Clear Condition

**WHEREAS** Subsection 210(80) of the Municipal Act, R.S.O. 1990, c.m.45, as amended authorizes the Councils of local municipalities to pass by-laws for requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains;

**AND WHEREAS** Subsection 210(135) of the Municipal Act, R.S.O. 1990, c.M45, as amended, authorizes the Councils or local municipalities to pass by-laws for prohibiting, or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse or industrial waste of any kind, which by-law or by-laws;

- (a) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,
- (b) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,
- (c) may define industrial or domestic waste.
- (d) a by-law under this subsection does not apply to the use of any land or structure by a municipality.

**AND WHEREAS** the Council of The Corporation of the Municipality of Central Elgin deems it desirable to regulate and govern the maintenance of land in order to enhance the quality of the community and neighbourhoods, to protect the safety, health and well-being of the public and to ensure the continued enjoyment of property for residents and property owners of the Municipality.

**NOW THEREFORE**, the Council of The Corporation of the Municipality of Central Elgin enacts as follows:

#### 1. Short Title

1.1 This by-law may be cited as the Lot Maintenance By-law.

#### 2. Definitions

In this by-law,

- 2.1 "Chief Building Official" means the Chief Building Official appointed in accordance with the provisions of the Building Code Act and having jurisdiction for the enforcement thereof, or a designated representative.
- 2.2 "Commercial Solid Waste or Grease Container" means a waste or grease disposal container placed on property within the territorial limits of the Municipality e for the temporary storage of waste or grease. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.

- 2.3 “Composting” shall mean the biological degradation or breakdown of organic material in a dark soil-like material called humus.
- 2.4 “Composting Container” shall mean the holding unit used to store yard, garden and household waste for the purpose of composting.
- 2.5 “Medical Officer of Health” means the Medical Officer of Health having jurisdiction within the territorial limits of the Municipality of Central Elgin.
- 2.6 “Motor Vehicle” means any form of transportation for humans designated to be propelled or driven otherwise than by muscular power, and includes but is not limited to cars, trucks, motorcycles, motor homes, and trailers of any description.
- 2.7 Municipality means “The Corporation of the Municipality of Central Elgin”.
- 2.8 “Officer” means a By-law Enforcement Officer appointed by the Council of the Municipality of Central Elgin.
- 2.9 “Other Vehicle” means any form of transportation for humans designed to be propelled or driven otherwise than by muscular power, and includes but is not limited to tractors, self propelled construction or industrial equipment, motorized snow vehicle, and then engines of cars or steam, electric, or diesel railways.
- 2.10 “Owner” means an owner, lessee or occupant of lands and/or premises with the territorial limits of the Municipality of Central Elgin.
- 2.11 “Person” means any person, corporation, or director of a corporation.
- 2.12 “Repair” means the taking of any action as may be required so that the property shall conform to the Standards established in the By-Law.
- 2.13 “Returnable Receptacle” means a receptacle manufactured for the purpose of storing garbage or refuse, constructed of materials which have an equivalent durability to No. 28 gauge metal and having a height not exceeding 100 cm, a diameter not exceeding 50 cm, a weight including contents, not exceeding 35 kg, a water tight lid and two handles.
- 2.14 “Private Drain” means a sanitary private drain for the collection and transmission of sanitary sewage to the sanitary sewer and to which extraneous flows, such as storm drainage, roof water, surface and ground waters are not to be intentionally admitted.
- 2.15 “Temporary Storage” means a period of time between the normally scheduled collections of waste material but not to exceed 30 days.
- 2.16 “Vessel” means any form of marine transportation for humans, commodities or goods and designed to be propelled by any means including but not limited to internal combustion engines, steam, electric, muscular or natural power.
- 2.17 “Waste Material” means any article thing, matter or effluent that appears to have been cast aside or discarded or abandoned or discharged whether of any value or not, or appears to be used up in whole or in part, or expanded, or worn out in whole, or in part.
- 2.17.1 “Without restricting the generality of the definition set forth in Paragraph 2.17 above, “Waste Material” may specifically include:
1. garbage, refuse, debris, litter, grass clippings, tree and garden cuttings, brush and leaves.
  2. containers including, but not limited to crockery, dishes, glassware, bottles, plastic and metal.
  3. paper, cardboard, cloth, plastic, or synthetics.

4. weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks, wooden or metal signs or palettes.
5. a motor vehicle or other vehicle which is not operative, a motor vehicle which is not currently licensed pursuant to the provisions of the Highway Traffic Act, discarded motor vehicle or other vehicle, automotive parts, vehicle parts and accessories, mechanical equipment, mechanical parts, unmounted tires, tires mounted on rims, accessories or adjuncts to the motor vehicle or other vehicle and mechanical equipment.
6. a vessel which is not operative, discarded vessel, unsound or unseaworthy vessel, vessel parts and accessories, mechanical equipment, mechanical parts, accessories or adjuncts to the vessel and mechanical equipment.
7. broken concrete (other than for shore protection), asphalt pavement, patio/sidewalk slabs, surplus building materials whether new or used;
8. material resulting from or as part of construction, alteration, repair or demolition or any building or structure.
  - (i) rubble, inert fill, fencing materials.
  - (j) all waste of animal or vegetable origin resulting from the processing or preparation or storage or sale or consumption of food, except any material of vegetable origin placed in a composting container.
  - (k) any liquid containing chemicals or solids either dissolved or in suspension.

### **3. Lot Maintenance Standards**

- 3.1.1 Every owner shall keep all yards, grounds or vacant lands which he, she or they may own, lease or occupy, drained, cleaned or cleared of all waste material.
- 3.1.2 For the purpose of Paragraph 3.1.1 “cleaned and cleared up” includes the removal of weeds and/or grass in excess of 15 cm in height, except on slopes requiring such vegetation for slope stability.
- 3.2.1 Every owner shall fill in any excavation on his or her land which is not completely enclosed by an adequate barrier and/or fencing, the adequacy of such barrier or fencing to be determined by the Chief Building Official, an Officer or designated person.
- 3.2.2 Paragraph 3.2.1 does not apply to work that is actively proceeding, in the opinion of the Chief Building Official, an Officer or designated person under a construction or building permit.
- 3.3 No person shall connect or permit any connection of any weeping tile, foundation drain, roof drain, or land drain into any private drain, and no person shall discharge, or permit to be discharged into any such private drain, any extraneous flow such as ground water, foundation tile water, roof or surface water or storm drainage. Every owner of a property with a private drain shall alter or repair the private drain to disconnect any extraneous flows from the private drain.
- 3.4.1 Every owner shall drain their land where water has accumulated upon the land to such a depth that in the opinion of the Chief Building Official, an Officer or designate, an unsafe or dangerous situation exists.
- 3.4.2 Paragraph 3.4.1 does not apply with respect to swimming pools, which are lawfully maintained, storm water management facilities, water gardens or natural bodies of water.

- 3.5 Every owner shall keep all hedges and trees adjacent to a public sidewalk or roadway cut and trimmed so as to allow safe unhindered passage and an unobstructed view of pedestrian and/or vehicular traffic upon such sidewalk or roadway.
- 3.6.1 No person shall use any land or structure within the Municipality for dumping or disposing of waste material of any kind.
- 3.6.2 No person shall cause or permit any Commercial Solid Waste or Grease Container to overflow its normal capacity when its cover or covers are in a closed and secured position.
- 3.6.3 Paragraphs 3.6.1 and 3.6.2 do not apply to land or structures operated by the Municipality for the purpose of dumping or temporary disposing of waste material on land or structures designated by By-law of the Municipality or used for the purpose of dumping or disposing of waste material on land which is being lawfully used for the outdoor storage of materials under applicable zoning and licensing regulations.
- 3.6.4 Notwithstanding paragraph 3.6.1 nothing prohibits an owner from the reasonable temporary storage of collectable refuse in a returnable receptacle or a commercial solid waste container.
- 3.7 No person shall cause or permit foul or offensive odours to emanate from any Commercial Solid Waste Container or Grease Container.
- 3.8 No person shall use any land or structure in the Municipality of Central Elgin for storing used motor vehicles without a current licence plate for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal unless the use of such land or structure is in conformity with the requirements of the Zoning By-law.
- 3.9 No person shall use any land or structure on the Municipality of Central Elgin for storing vessels for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal unless the use of such land or structure is in conformity with the requirements of the Zoning By-laws.

#### **4. Liability**

- 4.1 Every owner, lessee and occupant of the lands and premises within the territorial limits of the Municipality of Central Elgin are jointly and severally liable to ensure compliance of such lands and premises with the standards prescribed by this by-law.

#### **5. Right of Entry**

- 5.1 For the purpose of ensuring compliance with the provisions of this by-law the Chief Building Official, an Officer, the Medical Officer of Health or designate, the Fire Prevention Officer or designate, and any other person appointed as By-Law Enforcement Officer and/or acting under the instructions of the Council of the Municipality of Central Elgin may at all reasonable times, enter upon and inspect any land or structures where garbage, refuse or waste materials is located or kept.

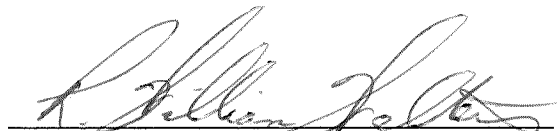
#### **6. Administration and Enforcement**

- 6.1 When any lands and/or premises are not maintained pursuant to the requirements of this By-law, the Chief Building Official, an Officer or designated person shall, by personal service, registered mail or any other permitted means, deliver a Notice of Violation and Repair to any owner at the address shown on the last revised assessment roll or to the last known address of any such owner.
- 6.2 If any owner of any lands and/or premises fails to comply with anything required to be done in accordance with this By-law, the Municipality of Central Elgin in addition to all other remedies, shall:

- (a) Have the right to repair the said lands and/or premises so as to create and/or maintain compliance with those standards set forth in this by-law, and, for this purpose with its servants and agents from time-to-time to enter in and upon the property,
  - (b) Not be liable to compensate such owner or any other person having an interest in the property by reasons of any thing done by or on behalf of the Municipality of Central Elgin under provisions of this subsection, and
  - (c) Have the right to recover from the owner of the property any amount expended by or on behalf of the Municipality of Central Elgin under the authority of this section and such amounts may be collected in like manner as municipal taxes.
- 6.3 Every person who contravenes any provision of this by-law and fails to comply with an Order to conform is guilty of an offence and is liable to prosecution and penalty pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, and any successor legislation thereto.
- 6.4 It is hereby declared that each and every of the foregoing provisions of the By-law is severable and that, if any provisions of this By-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions hereof shall remain in full force and effect.
- 6.5 The Village of Port Stanley By-law 3012 is hereby repealed.

READ a FIRST, a SECOND and a THIRD TIME and finally PASSED this 24th day of January, 2000.

  
Clerk

  
Mayor