

THE CORPORATION OF THE TOWNSHIP OF WOOLWICH

BY-LAW # 32-2010

A BY-LAW TO AUTHORIZE THE MUNICIPALITY TO REQUIRE THE OWNERS AND OCCUPANTS OF LAND TO CLEAN AND CLEAR THE LAND, AND TO CLEAR REFUSE OR DEBRIS FROM THE LAND

WHEREAS PURSUANT TO Sections 11(1), 127 and 128(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a Township may pass by-laws respecting the health, safety and well-being of persons, requiring the cleaning and clearing of land or clearing of refuse and debris from land, and prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances.

AND WHEREAS the Municipal Act, S .O. 2001, C.25, Section 436(1), as amended, provides that the municipality may enter upon land at any reasonable time;

AND WHEREAS pursuant to section 446(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, if a Municipality has the authority 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 persons expense, and that the municipality may enter upon land at any reasonable time for such purposes, and further that the municipality may recover the cost of doing such 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 some manner as property taxes;

AND WHEREAS The Council of the Corporation of the Township of Woolwich deems it desirable to regulate the maintenance of land in order to enhance the quality of communities and/or neighborhoods, to protect the health, safety and well-being of the public and to ensure the continued enjoyment of property for residents and property owners of the Township;

AND WHEREAS the Council of the Corporation of the Township of Woolwich deems a public nuisance to allow weeds or grass more than 20 cm in height, a motor vehicle or trailer that is not licensed with a current validated license plate, uncontrolled refuse on property and naturalized areas which are encroaching on to adjacent properties;

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

1. Short Title

This by-law may be cited as the "Clean Yards Bylaw".

2. Definitions

1. "Township" means the Corporation of the Township of Woolwich.

2. "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.
3. "Notice" - shall mean a Notice as set out in Schedule 'A' of this by-law .
4. "Noxious" Weeds - shall mean noxious weeds as defined by the Weed Control Act, R.S.O.1990, as amended.
5. "Officer" means a police officer or person appointed by by-law of the Township of Woolwich to enforce the provisions of this bylaw.
6. "Owner" means a registered owner of land, or any person in control of land, including a lessee or an occupant thereof.
7. "Refuse" without limiting the generality of the foregoing, shall include debris, rubbish, junk, litter, discarded paper or paper products, unused or discarded materials of any kind, appliances, devices, machinery, furniture, discarded clothing, construction materials, concrete, flagstone, gravel, asphalt, tires, unused motor vehicles or parts thereof, abandoned vehicles, inoperative motor vehicles, vehicles without validated license plate stickers, vehicles without license plates, objects or conditions that may create fire, health or safety hazard, dead animals, old or decayed lumber, decayed trees, discarded trees, parts of trees and leaves or discarded organic materials that are not part of a compost program or something that:
 - a) has been cast aside, discharged or abandoned;
 - b) is discharged from its usual and intended use; or
 - c) is used up, in whole or in part, or expended or worn out in whole or in part,

and shall include domestic, construction or industrial waste, and provided further that waste does not cease to be refuse by reason that it may be commercially saleable or recyclable; and
8. "Zoning By-law" means Township of Woolwich Bylaw # 55-86 as amended from time to time, or any successor thereof.

3. General Standards

- 1) Every owner shall ensure that his or her land is kept free and clear of any:
 - a) weeds or grass that are more than 20 centimeters (8 inches) in height;
 - b) refuse, garbage, rubbish, salvage or other debris;
 - c) ice box, refrigerator or freezer that is not located within a building;

- d) wrecked, dismantled, abandoned or inoperable appliance, machinery, shopping carts, vehicles or trailers, or any portion thereof;
- e) motor vehicle or trailer that does not display a valid license plate and corresponding current validation sticker issued for such motor vehicle or trailer by the Ministry of Transportation Ontario or an extra-provincial government agency;
- f) hedge, tree or branch located on private property that is likely to hinder pedestrian traffic on a public sidewalk; and
- g) canine excrement

4. Every Owner of land shall ensure that:

- 1) all steps, pedestrian walkways, driveways, parking spaces and other similar areas on their land must be maintained so as to afford clear, unobstructed and safe passage by pedestrians and vehicles;
- 2) any naturalized area on their land must not encroach above or onto any adjacent property; and
- 3) where any naturalized area on their land is located within a sight line triangle, as defined by the Zoning By-law, such naturalized area must comply with the maximum height regulations in the Zoning By-law respecting sight line triangles.

5. Enforcement

- 1) This by-law shall be enforced by a Municipal Law Enforcement Officer.
- 2) A Municipal Law Enforcement Officer shall determine what shall constitute a health, fire or safety hazard.
- 3) Where any property is not maintained in compliance with the provisions of this by-law, a Municipal Law Enforcement Officer may give Notice to the owner, in writing, directing that the Property be brought into compliance with the requirements of this by-law within a defined time period but such time period shall not be less than seventy-two (72) hours from date of notice, save and except that which constitutes a safety, health or fire hazard.
- 4) Notice shall be in the form as set out in Schedule "A" to this by-law.
- 5) Said Notice shall be delivered to the last known address as shown on the last revised assessment rolls of the municipality.

- 6) In the case of a health, fire or safety hazard, a Municipal Law Enforcement Officer may compel that said hazard be removed forthwith without the Notice as described in Section 5.3.
- 7) Where any property has been found not to be in compliance with a Notice pursuant Section 5.3 by the date stipulated on the Notice, a Municipal Law Enforcement Officer may issue a Work Order to an owner, setting out the reasonable particulars of the contravention and the work to be done and date by which the work must be done.
- 8) The Order shall be in the form as set out in Schedule "B" as amended of this by-law and shall be delivered either by registered mail or personal service to the last known address as shown on the assessment rolls of the municipality.

6. BIOSECURITY PROCEDURES

- 1) With regard to inspections being conducted on agricultural lands where biosecurity measures are in effect and the lands are posted as such, Municipal Law Enforcement Officers shall follow accepted provincial guidelines for conducting inspections on lands with active livestock operations.
- 2) All such inspections as described in Section 6.1 of this by-law will be conducted as the last scheduled inspection of the working day and only one such inspection will be conducted per working day.
- 3) All such inspections as described in Section 6.1 of this by-law shall be conducted in the company of the owner/operator of the livestock operation or his/her designate.

7. OFFENCES

- 1) Every person shall keep their property in a clean condition, and without limiting the generality of the foregoing, shall keep the property free of refuse, debris, long grass, weeds or vehicles as set out in Section 3.1
- 2) Every person shall keep their property free from objects or conditions that are likely to create a health, fire or safety hazard.
- 3) Every person shall comply with a Notice.
- 4) Every person shall comply with an Order.

8. **PENALTY**

- 1) Every person who contravenes this by-law and who fails to comply with the written order of an Officer is guilty of an offence and upon conviction is liable to a fine as set out in the Provincial Offences Act, R.S.O. 1990, c.P.33. Sec 61 as amended.
- 2) In addition to the foregoing penalty, failure to comply with the provisions of this by-law may result in the municipality undertaking to complete the work and any costs associated with the work shall be billed and collected to the person in a like manner as real taxes. A 15% administration fee shall also be applied to this process.
- 3) Short form wording shall come into effect upon approval from the Chief Justice Department.

9. **SEVERABILITY**

In the event that any of the provisions of this by-law are deemed ultra vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

10. **REPEAL**

The Township of Woolwich By-Law #74-2007 is hereby repealed as of the date and time of this by-law coming into effect.

11. **EFFECTIVE DATE**

The effective date of this By-law shall be the date of passage thereof:

PASSED this 20th day of April, 2010.



Mayor



Clerk



SCHEDULE "A"

NOTICE

**TOWNSHIP OF WOOLWICH
MUNICIPAL LAW ENFORCEMENT**
24 Church Street West
P.O. Box 158,
Elmira, Ontario
N3B 2Z6
(519) 669-6007 or (519) 669-6008

DATE ISSUED: -

ISSUED TO:

ADDRESS:

REFERENCE:

For Businesses:

REGISTERED NAME:

OPERATING NAME:

An inspection revealed that a provision(s) of a Municipal by-law is being contravened. You are hereby directed to correct the following violation(s) within **96 hours**. Charges MAY be forthcoming if the violation is not corrected within the time shown above. Failure to heed this warning will result in an order being issued, this will allow the violations to be corrected at your expense. This Notice DOES NOT authorize continuance of the violation(s).

MUNICIPAL BY-LAW	VIOLATION(S)
By-law #	Corrections to be completed by: DATE:
Note:	
Note:	

If you wish to discuss this matter further with the Officer, please leave a message for the undersigned at (519) 669-6007 and your call will be returned.

Officer: _____

Signature

Date Time



SCHEDULE "B"

ORDER

TOWNSHIP OF WOOLWICH
MUNICIPAL LAW ENFORCEMENT
24 Church Street West
P.O. Box 158,
Elmira, Ontario
N3B 2Z6
(519) 669-6007 or (519) 669-6008

DATE ISSUED:

ISSUED TO:

ADDRESS:

REFERENCE:

For Businesses:

REGISTERED NAME:

OPERATING NAME:

An inspection revealed that a provision(s) of a Municipal by-law is being contravened. You are hereby directed to correct the following violation(s) by _____ Charges may be forthcoming if the violation is not corrected within the time shown above. The Township has the right to correct the violation listed below, the cost will be billed to your taxes and be collected as real taxes. This Notice DOES NOT authorize continuance of the violation(s).

MUNICIPAL BY-LAW #	VIOLATION(S)

If you wish to discuss this matter further with the Officer, please leave a message for the undersigned at (519) 669-6007 and your call will be returned.

Officer: _____

Signature

Date Time

**Bylaw #32-2010
Part 1 Provincial Offences Act
Corporation of the Township of Woolwich
Clean Yards Bylaw**

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Set Fine
1.	Fail to keep weeds less than 8 Inches	3(1)a	\$250.00
2.	Fail to keep grass shorter than 8 inches	3(1)a	\$250.00
3.	Fail to remove rubbish from yard	3(1)b	\$250.00
4.	Fail to remove Salvage from yard	3(1)b	\$250.00
5.	Fail to remove refuse from yard	3(1)b	\$250.00
6.	Fail to contain refrigerator in building	3(1)c	\$250.00
7.	Fail to contain freezer in a building	3(1)c	\$250.00
8.	Fail to keep yard clean and free from wrecked, dismantled, abandoned or inoperative appliances	3(1)d	\$250.00
9.	Fail to keep yard free from wrecked, dismantled, abandoned or inoperative machinery	3(1)d	\$250.00
10.	Fail to keep yard free from wrecked, dismantled, abandoned or inoperative shopping carts	3(1)d	\$250.00
11.	Fail to keep yard free from wrecked, dismantled, abandoned, or inoperative vehicles	3(1)d	\$250.00

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Set Fine
21.	Fail to keep property in a clean condition	7(1)	\$350.00
22.	Fail to keep property free from objects or conditions likely to create a health or fire or safety hazard	7(2)	\$350.00
23.	Fail to comply with a notice	7(3)	\$450.00
24.	Fail to comply with an order	7(4)	\$450.00
<p align="center">NOTE: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990,c.P.33</p>			