

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

BY-LAW 2021-013

**Being a by-law to regulate and maintain land
in a clean and clear manner.**

WHEREAS Section 127 of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes Municipalities to pass by-laws for requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse and debris from the land, not including buildings and to regulate when and how such matters shall be done to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land and to define "refuse" for the purpose of the by-law:

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:

AND WHEREAS it is deemed desirable to enact this by-law to extend the useful life of individual properties to enhance the quality of communities 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 in the Township of Mapleton:

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

PART 1 DEFINITIONS

In this By-law:

1. "Adjacent Boulevard" means the boulevard immediately adjacent to the front, side, rear or exterior side of a property.
2. "Boulevard" means that portion of every road allowance within the limits of the Township which is not used as a sidewalk, driveway access, traveled roadway or shoulder.
3. "Derelict" shall mean 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 is 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.
4. "Derelict Motor 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 parts or equipment necessary for its operation,
 - b) not in roadworthy condition,
 - c) in a state of disrepair or unsightly by reason of missing doors, glass, or body parts, or:
 - d) inoperable and appears incapable of use as a means of lawful transportation or has an industry standard book value as a

means of transportation that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licensed mechanic; but does not include an antique or historic motor vehicle which is actively being restored as a collectors or historic vehicle.

5. "Long grass" means grass which has an average height of 30.5cm (12 inches) or more.
6. "Occupant" means any person or persons over the age of eighteen (18) years in possession of the property.
7. "Officer" means a Municipal Law Enforcement Officer appointed by by-law and assigned the responsibility for enforcing and administering this by-law.
8. "Person" means an individual, firm, corporation, association, or partnership.
9. "Refuse" includes, but is not limited to, debris, rubbish, junk, litter, paper, paper products, disused materials, salvage, appliances, devices, apparatus, machinery, disused furniture, old clothing, old or decayed lumber, construction or demolition debris, tires and wrecked, dismantled, inoperative, unplated or unused vehicles, trailers, or boats.
10. "Repair" means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating, or mending as may be required so that the property shall conform to the standards as established in this by-law.
11. "Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle, and any vehicle drawn, propelled, or driven by any kind of power including muscular power.
12. "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART 2 SCOPE

1. Where a provision of this by-law conflicts with a provision of another by-law in force in the Township of Mapleton, the provision that establishes the higher standard shall prevail in order to protect the health, safety, and welfare of the general public.

PART 3 LOT MAINTENANCE

1. Every owner, lessee or occupant of land shall maintain said land clean and free from refuse, including but not limited to:
 - a) rubbish, junk, debris, derelict vehicles and objects or conditions that may create a health, fire, or accident hazard,
 - b) wrecked, dismantled, discarded, unplated, or abandoned vehicles, boats machinery or trailers unless it is necessary for the operation of a business lawfully situated on the property,

- c) grass or weeds over 30.5 cm (12 inches) in height, brush and undergrowth and noxious weeds as defined by the *Weed Control Act*,
 - d) dilapidated, collapsed, or partially constructed structures which are not currently under construction,
 - e) injurious insects, termites, rodents, vermin, or other pests
 - f) dead, diseased, decayed, or damaged trees or other natural growth,
 - g) any unsightly condition out of character with the surrounding environment.
2. Surface conditions of yards shall be maintained so as to:
- a) prevent ponding of storm water
 - b) prevent instability or erosion of soil
 - c) not exhibit an unsightly appearance
 - d) be kept free of garbage and refuse
 - e) be kept free of deep ruts and holes
 - f) provide for safe passage under normal use and weather conditions, day or night.

Part 3 Section 1 (2)(d) shall not apply to garbage placed out for collection in accordance with County of Wellington Recycling and Waste collection By-law.

3. Vacant land shall be graded, filled, or otherwise drained so as to prevent recurrent ponding.
4. No person shall throw, place, or deposit any refuse as herein defined on any property including Municipal or any private property within the Township of Mapleton, without the written consent of the property owner.
5. Every owner of a property within the Urban System, as defined by the Wellington Official Plan, shall maintain the adjacent boulevard free of long grass, and/or weeds.

PART 4 GRADING AND DRAINAGE

1. No roof, sump pump, swimming pool, driveways or other surface drainage shall be discharged on an entranceway, walkway, sidewalk, stair, steps, adjacent property or onto any highway or public roadway, in such a manner that it will cause an unsafe condition or penetrate or damage a building, structure or property.
2. Every roof drainage system shall be discharged onto the ground at least 1 metre (3.94 inches) from the building or structure, providing it does not adversely affect adjacent property or cause erosion.
3. Every sump pump, swimming pool or drainage hose shall be discharged into the rear yard at least 1 metre (3.94 inches) from the building or structure, providing it does not adversely affect adjacent property or cause erosion.
4. Where a sump pump, drainage of water from swimming pools, or drainage hose is unable to drain into a rear yard, they shall be directed to the side yard. at least 1 metre (3.94 inches) from the building or structure, providing it does not adversely affect adjacent property or cause erosion.

5. Discharge and drainage shall be contained within the limits of the property from which it originated until absorbed by the soils or drainage to an approved swale or drainage ditch.

PART 5 NOTICE OF NON-COMPLIANCE

1. When any land is not maintained to the requirements of this by-law, the Officer may notify the owner, occupant, or other person responsible for the maintenance of the property, in writing through a notice of non-compliance, directing that the land be made to comply with the provisions of the by-law within a defined period of time, but not less than seventy-two (72) hours. Said notice shall be posted on the property where the offence occurs and may be sent to the last known address as shown on the last revised assessment roll of the municipality or delivered personally to the owner, occupant, or person responsible for the property.
2. Where a notice of non-compliance has been sent pursuant to Part 5 (1) and the requirements of the notice have not been complied with, the Corporation of the Township of Mapleton may direct that the work be done at the expense of the owner or occupant. The expense incurred may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

PART 6 DAMAGES AND COMPENSATION

1. The Township and its agents shall not be liable for the damages or compensation for any work done under the provisions of this by-law, or for exercising its powers of enforcement or inspection herein, and no such damages or compensation shall be paid to any person.

PART 7 INSPECTION

1. An Officer appointed by this by-law, may enter on to lands at any reasonable time for the purpose of carrying out an inspection to determine whether the following are being complied with:
 - a) this by-law; or
 - b) a direction or notice of the Township made under this by-law

PART 8 ENFORCEMENT AND ADMINISTRATION

1. This by-law may be enforced by a Municipal Law Enforcement Officer as appointed by Council for that purpose.
2. Any person failing to comply with a notice of non-compliance sent pursuant to Section 1.03 (8) is guilty of an offence.
3. A person who hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising a power of performing a duty under this Act or under a by-law passed under this Act is guilty of an offence.

PART 9 PENALTY AND OFFENCE PROVISIONS

1. Any person who contravenes any of the provisions of this by-law or who fails to comply with the written notice of contravention of an Officer is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33.
2. A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence.
3. All contraventions of this by-law shall be designated as a continuing offence.
4. If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

PART 10 SEVERABILITY

1. Each and every one of the foregoing provisions of the by-law is severable and if any provisions of the 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 one of the then remaining provisions shall remain in full force and effect.

PART 11 TITLE

1. NOW THEREFORE the Council of the Township of Mapleton enacts as follows:
 - a) This By-Law may be referred to as "The Clean and Clear By-Law".

PART 12 EFFECTIVE DATE OF THIS BY-LAW

1. That this by-law shall come into force and takes effect on the date of final passing.

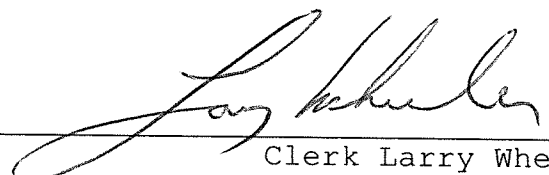
PART 13 REPEAL OF OLD BY-LAW

1. That By-law Number 2012-049 and By-law Number 2007-003 are hereby repealed.

READ a first, second and third time and passed this 9th day of February 2021.



Mayor Gregg Davidson



Clerk Larry Wheeler