

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

BY-LAW 2012-049

Being a by-law for maintaining 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 128(1) of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes municipalities to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

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:

DEFINITIONS

- 1.1 "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.
- 1.2 "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;
- 1.3 "Long grass" means grass which has an average height of 30.5cm (12 inches) or more.

- 1.4 "Occupant" means any person or persons over the age of eighteen (18) years in possession of the property.
- 1.5 "Officer" means a Municipal Law Enforcement Officer appointed by by-law and assigned the responsibility for enforcing and administering this by-law.
- 1.6 "Person" means an individual, firm, corporation, association or partnership.
- 1.7 "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, unlicensed or unused vehicles, trailers or boats.
- 1.8 "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.
- 1.9 "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.
- 1.10 "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.

SCOPE

- 2.1 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.

LOT MAINTENANCE

- 3.1 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
 - b) a condition that may create a health, fire or accident hazard
 - c) wrecked, dismantled, discarded, unlicensed or abandoned vehicles, boats, machinery or trailers unless it is necessary for the operation of a business lawfully situated on the property;
 - d) grass or weeds over 30.5 cm (12 inches) in height, brush and undergrowth and noxious weeds as defined by the Weed Control Act;
 - e) dilapidated, collapsed or partially constructed structures which are not currently under construction;
 - f) injurious insects, termites, rodents, vermin or other pests; and,
 - g) dead, diseased, decayed or damaged trees or other natural growth.
 - h) any unsightly condition out of character with the surrounding environment

Every owner, lessee or occupant who fails to maintain land clean and free from refuse is guilty of an offence.

- 3.2 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.
- 3.3 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding.
- 3.4 No person shall throw, place or deposit any refuse as herein defined on any property including Municipal, Regional, Provincial or Federal lands or property of any local Board of Commission or any private property within the Township of Mapleton, without the written consent of the property owner.
Any person throwing, placing or depositing refuse on any property without the written consent of the owner is guilty of an offence.
- 3.5 Section 3.4 shall not apply to garbage placed out for collection in accordance with County of Wellington Recycling and Waste collection Bylaw.
- 3.6 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, 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 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.
- 3.7 Where a notice has been sent pursuant to Section 3.6 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. Any person failing to comply with a notice sent pursuant to Section 3.6 is guilty of an offence.
- 3.8 Pursuant to the current fees and charges by-law the Township of Mapleton may charge a fee (Set out in Schedule 'I') for inspection and administration services, and a Certificate of Compliance issued under Section 15.5(2) of the *Ontario Building Code*.

ADMINISTRATION AND ENFORCEMENT

- 4.1 This By-law shall apply to all property within the limits of the Municipality and shall be enforced on a written complaint basis only. The written complaint shall include the name, address and telephone number or other contact information of the complainant. Failure to provide the required complainant information shall render the complaint incomplete and it will not be investigated.
- 4.2 If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 4.3 Any person who contravenes any of the provisions of this by-law or who fails to comply with the written order 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.

READ a first and second time this 26th day of June, 2012.

READ a third time and passed this 26th day of June, 2012.



Mayor Bruce Whale



CAO Clerk Patty Sinnamon