

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2001-16

BEING A BY-LAW TO REGULATE THE CLEARING OF LAND.

WHEREAS paragraph 80 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, authorizes the Council of a municipality to pass by-laws for the purpose of requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.

AND WHEREAS paragraph 135 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, authorizes the Council of a municipality to pass by-laws for the purpose of prohibiting, or regulating and inspecting the use of any land or structure within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind.

AND WHEREAS a by-law under this paragraph:

- 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.

NOW THEREFORE the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

DEFINITIONS

1. (a) "City" shall mean the Corporation of the City of Clarence-Rockland.
- (b) "Cleared" shall include the removal of weeds or grass more than 20 cm (8") in height and the removal of stockpiles of soil or other aggregate material not required to complete the grading of the lot on which the stockpile is located and includes where on any property there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes, the draining, the treatment and/or the disposing of the water.

- (c) "Composting" shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus.
- (d) "Composting container" shall mean the holding unit used to store yard and garden household waste for the purpose of composting.
- (e) **"Discarded motor vehicle»** shall mean a vehicle which is unlicensed or in disrepair, having missing parts including tires or damaged or deteriorated or missing glass or removed parts which prevent its mechanical function. **(Amended by By-law 2006-78)**
- (f) "Domestic waste" shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:
 - (i) grass clippings, tree cuttings, brush, leaves and garden refuse;
 - (ii) paper, cardboard, clothing;
 - (iii) all kitchen table waste of animal or vegetable origin, resulting from the preparation or consumption of food;
 - (iv) cans, glass, plastic containers, dishes;
 - (v) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
 - (vi) refrigerators, freezers, stoves or other appliances and furniture;
 - (vii) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - (viii) discarded boats, aircraft or motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
 - (ix) rubble, inert fill, fencing materials.
- (g) "Industrial waste" shall mean any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes, but is not limited to, the following classes of waste material:

- (i) piping, tubing, conduits, cables, fittings or other accessories, or adjuncts to piping, tubing, conduits or cables;
 - (ii) containers of any size, type or composition;
 - (iii) rubble, inert fill;
 - (iv) mechanical equipment, mechanical parts, accessories or adjunct to mechanical equipment;
 - (v) articles, things, matter, effluent which is whole or in part or fragments thereof derived from or constituted from or consist of agricultural, animal, vegetable, paper, lumber or wood products; or mineral, metal or chemical products, whether or not the products are manufactured or otherwise processed;
 - (vi) bones, feathers, hides;
 - (vii) paper or cardboard packaging or wrapping;
 - (viii) material resulting from, or as part of, construction or demolition projects;
 - (ix) discarded boats, aircraft, motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment.
- (h) "Land" shall include yards, vacant lots or any part of a lot which is not beneath a building;
- (i) "Owner" shall include lessee and occupant of the land;
- G) "Perennial gardens" shall mean an area deliberately implemented to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combination of them, but does not include a wildflower meadow or a naturalized area;
- (k) "Rubble" shall include broken concrete, bricks, broken asphalt, patio or sidewalk slabs;
- (l) "Woodland" means treed areas that provide environment and economical benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of wood products. Woodland shall also include woodlots or forested areas.

GENERAL PROVISIONS

2. This by-law shall be enforced by the Municipal Law Enforcement Division of the Corporation of the City of Clarence-Rockland.

3. Every owner shall keep his lawn, hedges, and bushes neatly trimmed on a regular basis.

**(section
added as per
Amendment
By-law
2006-78)**

- (a) The owner of a land shall cut the grass and weeds on the boulevard abutting the owner's land, wherever such boulevard is reasonably accessible for maintenance.
- (b) The owner of a land shall clear away and remove away garbage or other debris from the boulevard abutting the owners land.
- (c) No steps shall be taken to enforce the provisions of subsections (a) and (b) until the owner of the land has been given a written notice requiring compliance with the by-law with the time specified in the notice but no sooner than seventy two (72) hours after the notice has been given.
- (d) If the owner of a land fails to comply with the provisions of subsections (a) and (b) within the time specified in the notice given under subsection (c), the City may do the work or arrange for the work to be done unless otherwise authorized by the Director of the Municipal Law Enforcement Service.

4. Every owner shall keep his land filled up and drained.

5. Every owner shall fill an excavation on the land unless it is enclosed completely by a temporary barrier at least 122 cm (48") in height in such a manner as to prevent an unsafe condition.

6. Every owner shall drain land accumulation of water that exceeds 30 cm (12") in depth unless it is completely enclosed by a temporary barrier of at least 122 cm (48") in height or such water constitutes a storm water management pond approved by the City.

7. Every owner shall keep his land clean, cleared and free from domestic and industrial waste.

8. No person shall throw, place, dump or deposit domestic or industrial waste on private property or City property without lawful written authority.

9. Every owner shall keep or maintain water in a swimming pool in a condition which is not a health hazard, or malodorous, or a breeding place for mosquitoes.

10. Every refrigerator, freezer, stove or other similar appliance and furniture stored or left on a porch, deck, or in any yard or street or similar area shall not have a self-latching device or self-locking device and shall be:

- (a) in working condition,
- (b) secured with an external locking device,
- (c) locked at all time except when actually being used or supervised.

GENERAL PROHIBITIONS

11. No person shall, within the City, fail to clear land of domestic waste.

12. No person shall, within the City, fail to clear land of industrial waste.

13. No person shall, within the City, fail to enclose an excavation with a temporary barrier at least 122 cm (48u) in height.
14. No person shall, within the City, fail to drain an accumulation of water exceeding 30 cm (12") in depth.
15. No person shall, within the City, deposit domestic waste on private property without lawful written authority.
16. No person shall, within the City, deposit industrial waste on private property without lawful written authority.
17. No person shall, within the City, deposit domestic waste on municipal property without lawful written authority.
18. No person shall, within the City, deposit industrial waste on municipal property without lawful written authority.
19. No person shall fail to keep or maintain water in a swimming pool in accordance with the provisions of this by-law.
20. No person shall store or leave a refrigerator, freezer, stove or other similar appliance and furniture on a porch, deck, or in any yard or street or similar area which is not locked at all time
21. No person shall store or leave a refrigerator, freezer, stove or other similar appliance and furniture on a porch, deck, or in any yard or side yard or similar area having a self-latching device or self-locking device.
22. No person shall store or leave a refrigerator, freezer, stove or other similar appliance and furniture on a porch, deck, or in any yard or street or similar area which is not in working condition.
23. No person shall store or leave a refrigerator, freezer, stove or other similar appliance and furniture on a porch, deck, or in any yard or street or similar area which is not secured with an external locking device.
24. No person shall obstruct, hinder or in any way interfere with any Municipal Law Enforcement Officer in the enforcement of the provisions of this by-law.

EXEMPTIONS

25. Section 5 of this by-law does not apply to land on which construction is proceeding under a valid building pennit.
26. Section 6 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.
27. Sections 7 and 8 of this by-law shall not apply to land which is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing by-laws and regulations.
28. Sections 7 and 8 of this by-law shall not apply to land or structures designated by or operated by the City for the purpose of dumping or disposing of domestic or industrial waste.
29. This by-law does not apply to perennial gardens managed in accordance with the *Weed Control Act*, provided that there is no waste.

ENFORCEMENT


30. Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and liable to any penalty as provided in the *Provincial Offences Act*, as amended.
31. The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
32. Where any requirement in accordance with this by-law is not carried out, the Municipal Law Enforcement Officer or persons designated by the Municipal Law Enforcement Officer for the Corporation of the City of Clarence-Rockland may, upon such notice as he deems suitable, do such thing at the expense of the person required to do it and, in so doing, may charge an administration fee of 15% of the amount expended by or on behalf of the municipality and such total shall be recovered by action or in like manners as municipal taxes.
33. Where any matter or material is removed in accordance with Section 32, it may be immediately disposed of by the Municipal Law Enforcement Officer.
34. A Municipal Law Enforcement Officer designated to perfonn inspections pursuant to this by-law may, at all reasonable times, enter onto land for the purpose of an inspection of the land.

35. Where it becomes necessary to proceed pursuant to Section 32 of this by-law, a Municipal Law Enforcement Officer may enter onto lands with any person and the appropriate equipment, as required, to bring the property into compliance with this by-law.

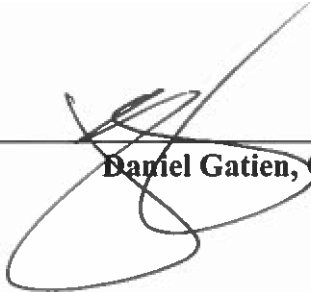
REPEAL - ENACTMENT

36. That By-Law 1989-45 (Town of Rockland) and By-law 1997-26 (Township of Clarence) and their amendments are hereby repealed.
37. This by-law shall come into force on the date it is passed by the Council of the Corporation of the City of Clarence-Rockland.

**READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING,
THIS 8TH DAY OF MAY, 2001.**



Jean Pierre Pierre, Mayor



Daniel Gatién, Clerk