

**CORPORATION OF TOWNSHIP OF STRATHROY-CARADOC
BY-LAW NO. 60-06**

**A BY-LAW TO PROHIBIT REFUSE AND DEBRIS ON PRIVATE PROPERTY
WITHIN THE TOWNSHIP OF STRATHROY-CARADOC**

WHEREAS Section 127 of the Municipal Act, S.O. 2001, c.25, provides that a municipality may pass by-laws to require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings; and further to regulate when and how matters required under this section shall be done; and to define 'refuse' for the purpose of the by-law;

AND WHEREAS Section 128 of the Municipal Act, S.O. 2001, c.25, provides that a municipality may pass by-laws 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 130 of the Municipal Act, S.O. 2001, c.25, provides that a municipality may pass by-laws to regulate matters not specifically provided for by the Municipal Act (2001) or any other act for purposes related to the health, safety and well-being of the inhabitants or the municipality;

AND WHEREAS Section 427 (1) of the Municipal Act, S.O. 2001, c.25, provides a municipality with the authority to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense;

AND WHEREAS Section 427 (2) of the Municipal Act, S.O. 2001, c.25, provides that for the purposes of Subsection 427 (1), the municipality may enter upon land and into structures at any reasonable time;

AND WHEREAS Section 427 (3) of the Municipal Act, S.O. 2001, c.25, provides that the municipality may recover the costs of doing a thing or matter under Subsection 427 (1) from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Council of the Corporation of the Township of Strathroy-Caradoc deems it necessary to ensure all property within the Township are kept in a clean and tidy manner, free of hazards and nuisances;

**NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE
CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC AS
FOLLOWS:**

1. Short Title

- (1) This by-law may be referred to as the "Untidy Yards By-law"

2. Definitions

- (1) "Agricultural Operation" shall mean an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward.
- (2) "Compost" shall mean contained or open composting of discarded organic material including plant material such as leaves, grass clippings, and kitchen waste, but does not include animal matter.
- (3) "Council" shall mean the Council of the Corporation of the Township of Strathroy-Caradoc.
- (4) "Debris" shall mean refuse as defined within this by-law.
- (5) "Ground Cover" shall mean organic or non-organic material that prevents soil or sand erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
- (6) "Good Repair" shall mean maintained in such a condition so as to be free from accident or fire hazard, structurally sound, in good working order, and not unsightly by reason of deterioration, damage or defacement.
- (7) "Irrigation Pond" shall mean a pond or excavation created and maintained by man and which contains water, the use of which, is for the controlled application of water to land associated with an agricultural operation.
- (8) "Long Grass" shall mean grass, weeds, or organic growth of any kind exceeding twenty (20) centimetres in height or length, but for the purposes of this by-law, shall not include organic growth intended for horticultural, ornamental or agricultural purposes, or organic growth that is considered a native species which is documented as a part of a prairie or savannah habitat.
- (9) "Motor Vehicle" shall mean an automobile, motorcycle, motor assisted bicycle, recreational vehicle, boat, watercraft, motorized snow vehicle, all-terrain vehicle and any other vehicle propelled or driven otherwise than by muscular power."

- (10) "Municipal Law Enforcement Officer" shall mean a person appointed by the Council of the Corporation of the Township of Strathroy-Caradoc for the purposes of enforcing the Township's by-laws and for the purposes of this by-law shall include the Strathroy-Caradoc Police Service or any other police agency.
- (11) "Natural Body of Water" shall mean a creek, stream, bog, marsh, river, pond or lake created or maintained by the forces of nature and which contains water, but does not include artificial or man-made ponds.
- (12) "Negative Impact" shall mean one or more of:
- a) harm or material discomfort to any person;
 - b) an adverse effect on the health of any person;
 - c) impairment of the safety of any person;
 - d) loss of enjoyment of normal use of property; or
 - e) interference with the normal conduct of business.
- (13) "Notice" shall mean a notice as per Schedule 'A' of this by-law.
- (14) "Noxious Weeds" shall mean noxious weeds as defined by the Weed Control Act, R.S.O. 1990, c.W.5 or its successor.
- (15) "Owner" shall mean the person who holds legal title of a property and includes the person for the time being managing or receiving the rent of the land or premises, whether on the person's own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include the lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards of maintenance and occupancy for the property.
- (16) "Parking Lot" shall mean a lot used or intended for the temporary parking of two (2) or more motor vehicles and may include aisles, parking spaces and related entrances and exit lanes, but shall not include any part of a road.
- (17) "Person" shall mean any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however constituted, joint

venture, syndicate or any other legal entity, and includes all successors, assigns or other legal representatives of any such entities.

- (18) "Property" shall mean a building or structure, or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
- (19) "Receptacles" shall mean a closed container which prevents the escape of odours and the access of animals, except with regard to recyclables.
- (20) "Refuse" includes any unused or discarded material, thing or substance and, 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, apparatus, machinery, furniture, discarded clothing, construction materials, concrete, flagstone, gravel, asphalt, tires, unused motor vehicles, vehicles without license plates, objects or conditions that may create fire, health or safety hazards, 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.
- (21) "Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway or any paved surface located directly on the ground.
- (22) "Unsafe Condition" shall mean a condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb, or health of any person on or about a property, and includes a structurally unsound condition.
- (23) "Vehicle" shall mean a conveyance that transports people or objects and includes a motor vehicle, trailer, farm tractor, self-propelled implement of husbandry or construction, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (24) "Wrecked or dismantled" shall mean, for the purposes of this by-law, a vehicle, which is in disrepair, or which has missing parts, including tires, or damaged or missing glass, or deteriorated or

removed metal adjunctions unless the motor vehicle is able to start and is capable of moving under its own power.

- (25) "Yard" shall mean an area of land which is appurtenant to, and located on the same lot as a building, structure or excavation and is open uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon in the Zoning By-law.
- (26) "Zoning By-law" shall mean the any Zoning By-law currently in force in the Township of Strathroy-Caradoc.

3. Application and Scope

- (1) The provisions of this by-law shall apply to all property located in the Township of Strathroy-Caradoc
- (2) Where a provision of this by-law conflicts with a provision of another by-law in force in the Township, the provision that establishes the higher standard shall prevail in order to protect the health, safety and welfare of the general public.
- (3) Nothing in this by-law serves to prohibit a normal farm practice carried on as a part of an agricultural operation as per the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1.

4. General Provisions

- (1) Every owner or occupant shall ensure that all repairs and maintenance of property required by the standards prescribed by this by-law and schedules thereto shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purposes.
- (2) Every owner or occupant shall maintain their property in conformance with the minimum standards as set out in this by-law.
- (3) Every owner or occupant shall ensure that all properties shall be free from:
 - a) objects or conditions such as holes, pits, excavations and trenches, that might create a fire, health or safety hazard unless otherwise legally permitted;
 - b) debris;

- c) structures, fences, and retaining walls, not in good repair;
 - d) the storage or accumulation of commercial, industrial, agricultural, institutional or domestic materials, lumber and other building materials except if neatly piled and arranged and provided said storage:
 - i) is authorized and consistent with the terms of a development agreement if applicable; and
 - ii) is permitted and in compliance with the Zoning By-law; or
 - iii) is short term storage of lumber or other building materials which are to be used for construction or renovation purposes on that property;
 - e) trees, shrubs, vegetation and the branches, limbs and parts thereof which create an unsafe condition due to decay, disease, or being damaged, or which create a nuisance condition;
 - f) dilapidated, collapsed, or unfinished structures.
- (4) Every owner or occupant shall ensure that all yards and all vacant property shall be free from long grass and noxious weeds.
- (5) Yards shall be graded, cultivated or protected with a suitable ground cover so as:
- a) to prevent excessive or recurrent ponding of stormwater;
 - b) to prevent instability or erosion of soil;
 - c) to prevent the entrance of water into a basement; or
 - d) not to create an unsightly appearance or an unsafe condition.
- (6) All parking lots, exterior steps, walks, loading docks, ramps and similar areas of a yard shall be maintained in good repair and free from hazard to any person under normal use and weather conditions, day or night.

5. Pools & Ponds

- (1) The water in any privately owned swimming pool, hot tub, wading pool or artificial or man made pond shall remain in a sanitary condition, free from obnoxious odours and conditions that create a breeding pond for insects and have a negative impact on neighbouring properties.
- (2) Subsection 5(1) does not apply to natural bodies of water or irrigation ponds.

6. Abandoned Wells, Cisterns and Other Fixtures or Excavations

- (1) All owners and occupants of properties containing an abandoned well, cistern, cesspool, privy vault, pit or excavation shall permanently seal, or secure each of them by fence or cover, unless they are in active use, in which event they shall be secured by fencing with warning signs until they have ceased use, whereupon they shall be sealed, fenced, covered, as required above.

7. Signs

- (1) Every sign on a property and any structure supporting the same shall be installed and maintained:
 - a) in a safe and structurally sound condition;
 - b) in good repair and without any visible deterioration; and,
 - c) in compliance with the Zoning By-law.
- (2) A sign that is unused, not cared for or discarded shall, along with its supporting members be removed.

8. Refuse Storage and Disposal

- (1) Nothing in this section serves to limit, prohibit, or prevent the handling of refuse in accordance with the terms of a development agreement or the provisions of the Township Waste Management By-law or its successor.
- (2) Every owner or occupant shall comply with the terms of any development agreement regarding the storage, handling and removal of refuse.

- (3) Every owner or occupant shall ensure that all refuse is promptly stored in receptacles.
- (4) Without limiting, and in addition to, the generality of subsection 8(1) of this by-law, every owner or occupant shall ensure that the storage of refuse complies with the following:
 - a) regular collection and disposal as provided by the Township or sufficient collection by a private collection agency is used to ensure no negative impact;
 - b) the storage and place for disposal shall be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration, wind or misuse of the storage facility; and,
 - c) refuse and recyclables shall not be stored in any manner so as to cause a negative impact on neighbouring properties.
- (5) Every owner or occupant shall ensure that where an exterior bulk or roll-off container disposal system is used, it shall:
 - a) be equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded or unloaded; and,
 - b) not be loaded beyond the top of the container.

9. Compost

- (1) No person shall create or maintain a composting pile or container greater than two (2) cubic metres in size.
- (2) No person shall create or maintain a composting pile or container that causes a negative impact on neighbouring properties.

10. Vehicles and Motor Vehicles

- (1) Every owner or occupant shall ensure that the storage of any vehicle or motor vehicle conforms to all standards and requirements of any by-law or legislation, including the Zoning By-law.
- (2) Except as otherwise permitted by the Zoning By-law, no owner or occupant shall cause or permit their yard to be used for the storage

of any vehicle or motor vehicle which is in a wrecked or dismantled condition or has had its source of motive power removed unless:

- a) the vehicle or motor vehicle is being actively repaired or restored for personal use; or
 - b) the vehicle or motor vehicle and parts are kept in an enclosed building.
- (3) Notwithstanding Subsection 10(2), no owner or occupant shall cause or permit more than two (2) such motor vehicles to be kept on the subject property.

11. Enforcement

- (1) This by-law shall be enforced by a Municipal Law Enforcement Officer.
- (2) A Municipal Law Enforcement Officer may enter upon land or property at any reasonable time for the purposes of inspection.
- (3) Where any property is not maintained in compliance with the provisions of this by-law, a Municipal Law Enforcement Officer shall give notice to the owner, in writing, directing that the property be brought into compliance with the requirements of this by-law within forty-eight (48) hours from the date of notice, save and except that which constitutes a safety, health or fire hazard.
- (4) A Municipal Law Enforcement Officer shall determine what constitutes a health, fire or safety hazard.
- (5) Notwithstanding Subsection 11(3) an alternative time period to bring a property into compliance may be permitted in consultation with a Municipal Law Enforcement Officer. Any revised time period must be recorded in writing.
- (6) Notice shall be in the form of Schedule 'A' to this by-law.
- (7) A copy of said notice shall be delivered by registered first-class mail to the last known address as shown on the last revised assessment rolls of the Township and hand-delivered to the property in violation.
- (8) If a Municipal Law Enforcement Officer determines that the violation may cause an immediate health, fire or safety hazard, the Municipal

Law Enforcement Officer may compel that said hazard be removed forthwith without the notice as described in Subsection 11(3).

12. Bio-security Procedures

- (1) With regard to inspection being conducted on agricultural lands where bio-security 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 Subsection 12(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 Subsection 12(1) of this by-law shall be conducted in the company of the owner / operator of the livestock operation or their designate.

13. Penalty

- (1) Every person who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c.P. 33.
- (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 to the registered property owner in a like manner as taxes.
- (3) In the case of a health, fire or safety hazard, where a Municipal Law Enforcement Officer has been compelled to remove said hazard without notice, as described in Subsection 11(7), the work and any costs associated with the work shall be billed to the registered property owner in a like manner as taxes.
- (4) In addition to the foregoing penalties, where a vehicle has been removed, impounded, restrained or immobilized according to Section 170(15) of the Highway Traffic Act, R.S.O. 1990, as amended, in violation of this by-law, all costs associated with the removal, impoundment, restraining or immobilization will be the responsibility of the registered owner of the vehicle.

14. Severability

- (1) 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.

15. Repeal

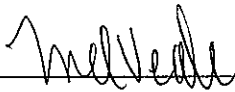
- (1) By-law 25-06 of the Township of Strathroy-Caradoc is hereby repealed.
- (2) Any by-laws inconsistent with the provisions of this by-law are hereby repealed.

16. Effective Date

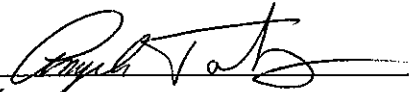
- (1) This by-law shall come into full force and effect upon the approval of Schedule "B" of this by-law, by the Ontario Ministry of the Attorney-General.

Read a FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL this 8th day of August 2006.

Mayor



Clerk



**CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC
BY-LAW NO. 60-06**

SCHEDULE "A"

NOTICE OF VIOLATION
TOWNSHIP OF STRATHROY-CARADOC
UNTIDY YARDS BY-LAW 60-06

Issued to:

Issued by:

Date:

Affected Property:

Be advised that on *****Date of Inspection***** an inspection of your property, as noted above, revealed certain violations of the Township's Untidy Yards By-law No. 60-06. Schedule "A", attached, sets out the work required to remedy such violation and to bring the property into compliance with the by-law.

Be advised that if remedial work is not completed to bring your property into compliance within forty-eight (48) hours, or an alternative time period to be determined in consultation with the Municipal Law Enforcement Officer, you will be issued a fine under the Provincial Offences Act, R.S.O. 1990, c.P. 33, which you may contest in provincial court. If found guilty, and the remedial work is not completed within a period of time to be determined in consultation with the Municipal Law Enforcement Officer, the Township may complete the required works and any costs associated with the works shall be billed to you in a like manner as taxes.

An additional inspection of this property will take place on or about *****Date***** to ascertain compliance.

Should you wish to discuss any of the above matters, please contact the undersigned at 519-245-1070, during normal business hours.

Municipal Law Enforcement Officer

Bylaw No. 60-06

A Bylaw to prohibit refuse and debris on private property within the Township of Strathroy-Caradoc

SCHEDULE "A": DETAILS OF VIOLATION

Defining Offence of By-law No. 60-06	Description of Offence	Remedial Work Required

CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC
BY-LAW NO. 60-06
A Bylaw to prohibit refuse and debris on private property within the
Township of Strathroy-Caradoc
SCHEDULE "B"

Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Defining Offence	COLUMN 3 Set Fine
1	Failure to keep property free from hazards / nuisances	4(3)(a)	\$100
2	Failure to keep property free from debris	4(3)(b)	\$100
3	Failure to maintain structures, fences and retaining walls	4(3)(c)	\$100
4	Failure to properly store building and construction materials	4(3)(d)	\$100
5	Failure to maintain vegetation in safe condition	4(3)(e)	\$100
6	Failure to remove dilapidated, collapsed, or unfinished structures	4(3)(f)	\$100
7	Failure to maintain grass and remove weeds	4(4)	\$100
8	Failure to maintain suitable ground cover	4(5)	\$100
9	Failure to maintain parking lot	4(6)	\$100
10	Failure to maintain pool or pond	5(1)	\$100
11	Failure to cover / fence a well or cistern	6(1)	\$100

**CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC
 BY-LAW NO. 60-06
 A Bylaw to prohibit refuse and debris on private property within the
 Township of Strathroy-Caradoc
 SCHEDULE "B"**

Part I Provincial Offences Act

12	Failure to maintain a sign in good repair	7(1)	\$100
13	Failure to remove an unused sign	7(2)	\$100
14	Failure to store refuse in a receptacle	8(3)	\$100
15	Failure to properly maintain a refuse storage area	8(4)	\$100
16	Failure to maintain an exterior bulk container system	8(5)	\$100
17	Permit compost pile over 2 cubic metres	9(1)	\$100
18	Failure to maintain compost pile	9(2)	\$100
19	Permit storage of a wrecked or dismantled vehicle	10(2)	\$100
20	Permit storage of 2 or more wrecked vehicle	10(3)	\$100

"NOTE: THE GENERAL PENALTY PROVISION FOR THE OFFENCES LISTED ABOVE IS SECTION 13 OF BYLAW 60-06, A CERTIFIED COPY OF WHICH HAS BEEN FILED".