

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO. 7840

A By-Law to Provide for the Maintaining of
Land in a Clean and Clear Condition.

WHEREAS under Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a local municipality may 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 may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of land;

AND WHEREAS under Section 128 of the *Municipal Act, 2001*, as amended, a local municipality may 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 under Section 11(2) paragraph 6 of the *Municipal Act, 2001*, as amended, a municipality may pass by-laws for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS under Section 446(1) of the *Municipal Act, 2001*, as amended, where a municipality may by by-law or otherwise direct or require that a matter or thing be done, the municipality may by 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 under Section 446(2) of the *Municipal Act, 2001*, as amended, a municipality may enter upon land at any reasonable time for purposes of Section 446(1);

AND WHEREAS under Section 446(3) of the *Municipal Act, 2001*, as amended, a municipality may recover the costs of doing a thing or matter under Section 446(1) from the person directed or required to do it and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS under Section 446(6) of the *Municipal Act, 2001*, as amended, the amount of costs, including interest, owing for the matter or thing being done by the municipality constitutes a lien on the land of the owner upon registration of a Notice of the lien in the Land Registry Office;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN
OF LASALLE HEREBY ENACTS AS FOLLOWS:**

1. In this By-law,
 - (1) “**debris**” shall include domestic waste, industrial waste, waste material, or garbage of any kind whatsoever;
 - (2) “**domestic waste**” shall mean any article, thing, matter or any effluent on land that is either occupied or vacant, and is belonging to or associated with a residential use and appears to be waste material, and for greater certainty, but without limiting the generality of the foregoing terms of this clause, it is hereby declared that domestic waste extends to the following classes of waste material:
 - (a) Accumulations, deposits, leavings, litter, remains, rubbish, trash;
 - (b) Refrigerators, stoves, freezers, sinks, toilets, or other appliances, any attached hinges or latching, locking or other closing mechanism or device;
 - (c) Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - (d) Motorized vehicles, vehicle parts and accessories;
 - (e) Material resulting from, or as part of, construction or demolition projects;
 - (f) Paper, carton, wood;
 - (g) Furniture;
 - (h) Crockery; and
 - (i) Sewage.
 - (3) “**garbage**” shall include waste material;
 - (4) “**ground cover**” shall mean plants or shrubs characteristically forming an extensive dense growth close to the earth;
 - (5) “**industrial waste**” shall mean any article, thing, matter or any 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 for greater certainty, but without limiting the generality of the foregoing terms of this clause, it is hereby declared that industrial waste extends to the following classes of waste material:

- (a) Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of;
 - (i) agricultural, animal, vegetable, paper, lumber, or wood products, or
 - (ii) mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed;
 - (b) Automotive parts, used motor vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles or mechanical equipment;
 - (c) Piping, tubing, conduits, wire, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits, cable or fittings;
 - (d) Containers of any size, type or composition;
 - (e) Material resulting from, or as part of, construction or demolition projects;
 - (f) Rubble, inert fill;
 - (g) Bones, feather, hides; and
 - (h) Sewage;
- (6) “**Inspector**” shall include the Supervisor of Planning and Development Services of the Town, his or her designate and any Provincial Offences Officer as designated by by-law of the Town;
 - (7) “**motor vehicles**” shall include used motorized vehicles, travel trailers, tractor-trailers, transport trailers, or parts thereof or accessories thereto;
 - (8) “**municipality**” shall mean the geographic municipality of the Town of LaSalle;
 - (9) “**noxious weeds**” shall mean weeds that are injurious to crops, natural habitats or eco systems, humans or livestock which have adverse affects through contact or digestion, as designated by the Canadian Food Inspection Agency or the Town’s Noxious Weed Inspector;
 - (10) “**owner**” shall include an owner, lessee or occupant;
 - (11) “**private drain**” shall mean a drain or sewer or part thereof situated on private property;

- (12) “**refuse**” shall include domestic waste, industrial waste, waste material, or garbage of any kind whatsoever;
- (13) “**sewage**” shall include any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial, or any other waste whether in suspension or precipitated, but does not include roof water or storm water run-off;
- (14) “**Town**” shall mean The Corporation of the Town of LaSalle;
- (15) “**waste material**” shall mean material that, in the opinion of the Inspector;
- (a) appears to have been cast aside or discarded or abandoned; or
 - (b) appears to be worthless or useless or of no practical value; or
 - (c) appears to be used up, in whole or in part, or expended or worn out in whole or part; and
- (16) “**weeds**” includes local weeds but shall not include wildflower gardens or noxious weeds.
2. (1) Every owner shall keep his or her grounds, yard, or vacant land filled up, drained, clean and cleared up.
- (2) Every owner shall maintain in a cleaned and cleared up condition the boulevard areas of Town-owned opened and assumed road allowances, and all Town-owned unopened and unassumed alleys.
- (3) For the purpose of subsections 2(1) and (2), “clean and cleared up” includes the removal of weeds or grass more than 0.2 metres (8 inches) in height.
- (4) Notwithstanding the provisions of subsection 2(3), weeds or grass more than 0.2 metres (8 inches) in height may be permitted:
- (i) on lands zoned “Agricultural” within the municipality;
 - (ii) on any golf course in the municipality;
 - (iii) on any lands designated as Provincially Significant Wetlands by the Ministry of Natural Resources and Forestry; and
 - (iv) on any private or public property in the municipality that has been left fallow and is determined by the Town, in its sole discretion, to be possible habitat for any animal or plant covered by the *Endangered Species Act, 2007*.
- (5) No person shall cause or permit noxious weeds to grow on his or her land.

- (6) Every owner shall keep any private drain located on his or her private property operational and in a good state or repair.
 - (7) Every owner shall alter or realign any private drain located on his private property in such a way as may be required by the Inspector.
 - (8) Every owner shall keep his or her land free of standing water.
 - (9) Every owner shall maintain swimming pools, hot tubs and artificial ponds on his or her private property in operating condition and in a good state of repair.
3. (1) No person shall throw, place or deposit refuse or debris on private property.
(2) No person shall throw, place or deposit refuse or debris on Town property.
4. Every owner shall provide for the disposal of sewage and drainage from his or her land in a manner that is in compliance with Town's by-laws and policies and with any Provincial legislation.
5. (1) Every owner shall keep his or her land free and clear of all garbage, refuse, domestic waste, industrial waste or waste material of any kind.
(2) No person shall use any land within the municipality for dumping or disposing of garbage, refuse, domestic waste, industrial waste or waste material of any kind.
(3) Subsections (1) and (2) do not apply to,
 - (a) land used by the Town for the purpose of dumping or disposing of garbage, refuse, domestic waste, industrial waste or waste material of any kind; or
 - (b) land designated by by-law of the Town for the purpose of dumping or disposing of garbage, refuse, domestic waste, industrial waste or waste material of any kind.
6. (1) No person shall use any land in the municipality for storing a used motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of license plate to be inoperative or not used, or for storing any automotive or mechanical parts.
(2) Subsection (1) shall not apply to any land in the municipality upon which the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts for sale or other disposal is permitted by any other by-law of the Town.

7. (1) An Inspector may, by an Order to the owner of the land delivered by personal delivery, or by posting the Order on the land, or by pre-paid registered mail and pre-paid first class mail, require the owner to do a matter, thing or action set out in the Order, at the owner's expense, to do the matter, within the time specified in the Order.
- (2) Every Order issued by an Inspector shall identify the land that is the subject of the Order.
- (3) Every Order sent to an owner by pre-paid registered and by pre-paid first class mail shall be sent to the address shown on the last revised assessment roll, and shall be deemed to be served on the addressee on the seventh (7th) day after the date of mailing.
8. (1) An Inspector may inspect any land for the purpose of determining whether:
- (a) the land is used for the dumping or disposing of garbage, refuse, domestic waste, industrial waste or waste material of any kind; or
- (b) the land is used for the storing of a used motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of licence plate to be inoperative or not used, or used for storing any automotive or mechanical parts; or
- (c) the owner has complied with any Order issued under this By-law.
- (2) Every owner shall permit the Inspector to inspect the land for the purposes of subsection (1) herein.
9. (1) Where the owner is in default of doing the matter, thing or action required to be done by an Order issued under this By-law, the Town may enter upon the land at any reasonable time and do the matter, thing or action at the owner's expense.
- (2) Where a person fails to comply with an Order issued under this By-law, an Inspector may issue a Continuing Order directing or requiring the person to again do the matter, thing or action as set out in the Continuing Order, failing which the Town will attend at the property to do the matter, thing or action as may be required for the remainder of that calendar year, without any further Order or other notice.
- (3) Where an owner received a Continuing Order in the previous calendar year, and the owner has failed to do the matter, thing or action that was required to be done by that Continuing Order in the next calendar year, an Inspector may issue a Continuing Order without the necessity of first issuing any other Order, and the provisions of subsection (2) herein shall apply to the new Continuing Order for the remainder of the calendar year in which it is issued.

- (4) Where any of the matters or things are removed from an owner's land in accordance with subsections (1) and (2) herein, the matters or things may be immediately disposed of by the Town.
- (5) The Town may recover the costs of doing a matter, thing or action referred to in an Order from the person directed or required to do it by a Court action, or by adding the costs to the tax roll of the affected property, including a two hundred dollar (\$200.00) administrative fee per occurrence, plus interest calculated at the rate of fifteen percent (15%) per annum calculated from the day the Town incurs the costs to the day the costs are paid in full which costs can be collected in the same manner as property taxes.
- (6) The Town may register a Notice of Lien against the affected property for the amount of costs referred to herein, which Notice shall constitute a lien upon the owner's land upon the registration thereof in the Land Registry Office.

10. Every person or owner who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a fine of not more than \$5,000.00, exclusive of costs, for each and every offence. Each day that such offence is committed or permitted to continue shall constitute a separate offence and may be punishable as such. Each fine and costs shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

11. Should any section or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

12. By-law 6983, finally passed by the Town on September 23, 2008, be and the same is hereby repealed.

13. The short title of the by-law shall be the *Maintenance of Land By-law*.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 15th day of December, 2015

1st Reading - Dec 15, 2015

2nd Reading - Dec 15, 2015

3rd Reading - Dec-15, 2015



 MAYOR - K. ANTAYA



 CLERK - B. ANDREATTA