

**THE CORPORATION OF THE TOWNSHIP OF SOUTH DUNDAS**

**BY-LAW NO. 2001- 34**

**A BY-LAW of the Corporation of the Township of South Dundas concerning waste and debris, and the filling, draining, cleaning and clearing of grounds, yards and vacant lands.**

**WHEREAS** Section 210(44) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 authorizes councils of local municipalities to pass by-laws requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident;

**AND WHEREAS** Section 210(80) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 authorizes councils of local municipalities to pass by-laws 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** Section 210(82) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 authorizes councils of local municipalities to pass by-laws prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property;

**AND WHEREAS** Section 210 (136) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 authorizes councils of local municipalities to pass by-laws prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal;

**AND WHEREAS** Section 210(173) of the *Municipal Act*, R.S.O. 1990, Chapter M.45 authorizes councils of local municipalities to pass by-laws authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident;

**AND WHEREAS** Section 326 of the *Municipal Act*, R.S.O. 1990, Chapter M.45 authorizes councils, or where a council has authority, to direct or require by by-law or otherwise that any matter or thing be done, by the same or by another by-law direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at their expense, and the Corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes;

**NOW THEREFORE** the Council of the Corporation of the Township of South Dundas enacts as follows:

**DEFINITIONS**

- (a) "Township" shall mean the Corporation of the Township of South Dundas.
- (b) "debris" includes refuse, rubbish, junk or disused material of any kind whatsoever and, without limiting the generality of the foregoing, includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery, equipment, materials or structures apparently disused in their existing location.
- (c) "Chief Building Official" means the Chief Building Official as appointed under by-law by council.
- (d) "clean and sanitary" means clean and sanitary to the satisfaction of a Public Health Inspector appointed to administer the *Health Protection and Promotion Act* and Regulations.

- (e) "motor vehicle" means any vehicle that is drawn, propelled or driven by any means other than muscular power.
- (f) "owner" includes the assessed owner, occupant, lessee, tenant, mortgagee in possession and the person in charge of the property.
- (g) "nuisance" means an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.
- (h) "industrial waste" means 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 not so as to restrict the generality of the foregoing terms of this clause, it is hereby declared that industrial waste extends to the following classes of waste materials:
  - (i) articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
    - A. agricultural, animal, vegetable, paper, lumber or wood products, or
    - B. mineral, metal or chemical products, whether or not the products are manufactured or otherwise processed.
  - (ii) automotive parts, inoperative vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
  - (iii) piping, tubing, conduit, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
  - (iv) containers of any size, type or composition;
  - (v) material resulting from, or as part of, construction or demolition projects;
  - (vi) rubble, inert fill;
  - (vii) bones, feathers, hides;
  - (viii) sewage.
- (i) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunctions, which prevent its mechanical function as an operating vehicle on a public highway.
- (j) "land" means grounds, yards or vacant lots.
- (k) "last known address" means that address shown on the latest revised assessment roll.

#### **GENERAL PROVISIONS**

1. This by-law applies to all land in the Township of South Dundas.
2. Where a provision of this by-law conflicts with a provision of any other by-law in force in the Township, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

3. No person shall dump, place, deposit or permit to be dumped, placed or deposited, on private property within the Township of South Dundas or on property owned by the Township or a local board any debris of any kind.
4. The owner of any property on which any debris of any kind has been or may hereafter be dumped, placed or deposited, shall forthwith remove the same.
5. A building or structure damaged by fire, storm or by other causes shall be demolished or repaired.
6. Where a building or structure is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
7. Defacement by smoke or by other causes on the exterior wall and surface of the building or structure or of the remaining parts of the building or structure, shall be removed and the defaced areas refinished in a workmanlike manner.
8. On property which, because of its condition or because of its use or occupancy or for other reason, creates a nuisance to occupants of adjacent property or to person in the neighbourhoods to the users of streets or parks, every reasonable precaution shall be taken to prevent such nuisance.
9. Without limiting the generality of paragraph 6 hereof, such precautions shall include:
  - (a) providing and maintaining an effective barrier to prevent the light from lamp standards, signs, vehicle head lamps and other sources from shining directly into a dwelling unit;
  - (b) providing and maintaining an effective barrier to prevent waste, wrappings, debris and the like from encroaching an adjacent property;
  - (c) the removal of excessive accumulations of materials from a yard unless such materials are required for a business being lawfully conducted on the property;
  - (d) providing and maintaining an effective barrier to prevent dumping, placing or depositing any debris of any kind onto the property;
  - (e) employing all means necessary and sufficient for the purpose.
10. No person shall keep lands or buildings the condition of which could create a fire or accident hazard.
11. No person shall alter land in any way so as to cause recurrent ponding of water on land not owned or occupied by them.
12. Every person shall maintain their lands in a clean and sanitary condition.
13. No person being the owner where a lot exists for a residential purpose shall permit heavy undergrowth or long grass on such lands.
14. No person shall use any lands or structures for dumping or disposing, or keeping of garbage, refuse, domestic or industrial waste of any kind.
15. Notwithstanding the provisions of paragraph 13 hereof, this by-law shall not be deemed to prohibit the orderly storing of automotive and mechanical equipment, salvage and similar material which is required for business purposes as part of a legally operative business and properly maintained compost piles.

16. Nothing in this by-law shall be deemed to interfere with the filling, grading or raising of land with earth or rock fill done under legal permit from the Township, or done as an adjunct to building operations covered by building permits issued by the Township, or the disposal of waste on any lands which have been designed for that purpose by the Township.
17. Where any land, building or structures are not maintained pursuant to the requirements of this by-law, a Property Standards Officer of the Township shall either deliver personally upon the owner or send or cause to be sent a notice by registered mail to the owner/occupant at their last known address requiring them to make the lands conform to the requirements of this by-law and the notice shall specify the time permitted for compliance. This notice is deemed to have been served six (6) days after being sent by registered mail.

#### **PROPERTY STANDARDS OFFICER**

The Council of the Corporation of the Township of South Dundas may appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law. If no Property Standards Officer(s) is/are appointed, then the Manager of Planning and Enforcement shall be responsible for the administration and enforcement of this by-law.

#### **ACTION BY THE TOWNSHIP IN THE EVENT OF NON-COMPLIANCE**

18. Where a Notice has been sent pursuant to paragraph 17 hereof and the requirements of the notice have not been complied with, the Property Standards Officer may:
  - (a) fill up, drain, clean or clear up the grounds, yard or vacant land;
  - (b) repair the private drain or alter or relay the private drain;
  - (c) remove refuse or debris;
  - (d) provide for the sanitary disposal of sewage and drainage;
  - (e) remove garbage, refuse, domestic or industrial waste;
  - (f) cover over, screen, shield or enclose domestic or industrial waste; and/or
  - (g) elect to carry out legal prosecution pursuant to the requirement of the *Provincial Offences Act*.
19. Every person who contravenes any of the provisions of 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*.
20. If the owner of a property fails to demolish or repair the property in accordance with the requirements of an order, as confirmed or modified, the Township in addition to all other remedies;
  - (a) shall have the right to demolish or repair the property accordingly and for those purposes with its employees and agents from time to time to enter in and upon the property;
  - (b) shall not be liable to compensate such owner or other person by reason of anything done by or on behalf of the Township under the provisions of this by-law;
  - (c) shall be entitled to recover the expense incurred in so doing either by action or in like manner as municipal taxes.

21. The servants and agents of the Township shall not demolish or repair any property in accordance with the provisions of the by-law without first obtaining direction to do so from the Council of the Township.

**READ** and passed in open Council, signed and sealed this 27<sup>th</sup> day of September, 2001.

  
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MAYOR  
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CLERK