

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2004-59

As Amended by By-law No. 2007-139

BEING A BY-LAW TO PROVIDE FOR MAINTAINING OF LAND IN A CLEAN AND CLEAR CONDITION

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 8., confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 127., provides that a local municipality may:

- (a) 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;
- (b) regulate when and how matters required under Clause (a) shall be done;
- (c) prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) define "refuse" for the purpose of this By-law.

AND WHEREAS a Council has the broad authority to direct or require by By-law or otherwise that any matter or thing be done and the Council may 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 the person's 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, or the Council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may borrow money to cover such expense by the issue of debentures of the Corporation payable in not more than ten years;

AND WHEREAS it is deemed expedient by the Corporation of the Township of Severn to provide for maintenance of land in a clean and clear condition;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

"Derelict Vehicle" means a vehicle as defined by the Highway Traffic Act, R.S.O. 1990, Chapter H.8, or a motorized snow vehicle, as defined by the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M.44:

which is not stored within a structure and either, is incomplete or partly dismantled, does not meet the inspection requirements and performance standards prescribed by the Highway Traffic Act, R.S.O. 1990, Chapter H.8, and the regulations thereunder, or is not licensed with a current vehicle license.

"Domestic Waste" means any article, thing, matter or any effluent belonging to or associated with a house or household or concerning or relating to the home or family and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that domestic waste extends to the following classes of material:

1. Accumulations, deposits, leavings, litter, remains, rubbish, trash;
2. Refrigerators, freezers or other appliance, any attached hinges or latching, locking or other closing mechanism or device;
3. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
4. Derelict vehicles, vehicle parts and accessories;
5. Paper, cartons;
6. Furniture;
7. Crockery;
8. Sewage.

"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 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 material:

1. 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;
2. Automotive parts, derelict vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
3. Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
4. Containers of any size, type or composition;
5. Material resulting from, or as part of, construction or demolition projects;
6. Rubble, inert fill;
7. Bones, feather, hides;
8. Sewage.

"Municipal Law Enforcement Officer" means the person or

persons appointed by By-law of the Council of the Corporation of the Township of Severn to enforce this By-law.

"Owner" means an owner, lessee or occupant.

"Refuse or Debris" means but is not limited to garbage, ashes, rubbish, builders and building contractors refuse, other industrial waste, inoperative vehicles and motor vehicle parts and accessories.

"Sewage" includes 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 run-off.

"Township" means the Corporation of the Township of Severn.

"Waste Material" means material or effluent that;

- 1) appears to have been cast aside or discarded or abandoned, or
- 2) appears to be worthless or useless or of no practical value, or
- 3) appears to be used up, in whole or in part, or expended or worn out in whole or in part,

notwithstanding that the owner of such material intends to repair it or render it fit for a useful purpose.

2. a) Every owner, lessee or occupant shall keep his/her land free and clear of all garbage or refuse, waste material or domestic or industrial waste of any kind.
b) Subsection a) does not apply to:
 - 1) land or structure used by the Township or any other government authority for the purpose of dumping or disposing of garbage or refuse, waste material or domestic or industrial waste;
 - 2) land designated by By-law of the County of Simcoe for the purpose of dumping or disposing of garbage or refuse, waste material or domestic or industrial waste;
 - 3) the outdoor storage of articles or things which are included in the definitions of domestic waste or industrial waste when such articles or things are permitted to be stored outside by the Township Zoning By-law, as amended.
3. Except as provided pursuant to any relevant licensing By-law in force from time to time in the Township, no person shall use any land or structures for storing motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.
4. a) The Municipal Law Enforcement Officer may by notice, served on the owner, lessee or occupant of the land or structure, or by registered mail require the owner, lessee or occupant within the time specified within the notice,
 - 1) to clean, clear or remove from the land garbage, refuse, waste material or domestic or industrial waste of any kind;
 - 2) to cease using the land for the dumping or disposing of garbage, refuse, waste material or domestic or industrial waste of any kind or;
 - 3) to cease using the land or structure for the purpose of wrecking or

dismantling motor vehicles contrary to Section 3 of this By-law, and to clean, clear or remove from the land or structure all parts, vehicles and materials associated therewith.

- b) Every notice sent by the By-law Enforcement Officer shall identify the land.
 - c) Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address.
 - d) Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.
5. a) The Municipal Law Enforcement Officer may enter upon and inspect the use of any land or structure for the purpose of determining whether,
- 1) the land is used for dumping, storing or disposing of garbage, refuse, waste material or domestic or industrial waste of any kind;
 - 2) the land or structure is used for the storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
 - 3) the owner, lessee or occupant has complied with any notice sent by the By-law Enforcement Officer.
6. a) Where the owner, lessee or occupant is in default of doing the matter or thing required to be done under this By-law, the Municipal Law Enforcement Officer may cause the,
- 1) cleaning or clearing of the grounds, yards or vacant land;
 - 2) removal of refuse, debris or garbage;
 - 3) removal of waste material or domestic or industrial waste or;
 - 4) the removal of materials associated with the wrecking and dismantling of motor vehicles contrary to Section 3 of this By-law.
- b) Where any of the matters or things are removed in accordance with Subsection (1), the matters or things may be immediately disposed of by the By-law Enforcement Officer.
- c) The Township may recover the expense in doing a matter or thing referred to in Subsection (1) by action, or in like manner as Municipal Taxes.
7. Any owner, lessee or occupant who contravenes any provision of this by-law shall be guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
8. Each and every Section and Subsection, and each part of every Section and Subsection of this By-law is severable and if it is determined by any Court of Competent Jurisdiction that any Section or Subsection or any part of any Section or Subsection is ineffective or void or beyond the power of the Council to enact, then each remaining part of this By-law shall remain in full force and effect.
9. The short title of this By-law is "**The Clean and Clear By-law**".
10. That this By-law shall come into force and effect on the date of passing thereof.

11. That By-law No. 1994-83, as amended, be and it is hereby repealed.

By-law read a first and second time this 6th day of May, 2004.

By-law read a third time and finally passed this 6th day of May, 2004.

CORPORATION OF THE TOWNSHIP OF SEVERN

Phil Sled

MAYOR

W. Henry Sander

CLERK-TREASURER