

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 16-06

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

WHEREAS Section 2, Section 9, and Section 11 of the Municipal Act, S.O., c. 25, as amended, gives municipalities powers and duties, including but not limited to providing services and things necessary and desirable for the municipality; fostering current and future economic, social and environmental well-being of the municipality; to regulate, prohibit, and impose requirements on persons and to differentiate between persons; and specifically to single-tier municipalities to pass by-laws respecting waste management, drainage, flood control, and structures, and

WHEREAS Section 123 of the Municipal Act, S.O., c. 25, as amended, provides that a local municipality may, for the purpose of public safety, regulate with respect to cliffs, pits, deep waters and other dangerous places, and

WHEREAS Section 127 of the Municipal Act, S.O., c. 25, as amended, permits a local municipality 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; to regulate when and how such matters shall be done; to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and to define "refuse", and

WHEREAS Section 128 of the Municipal Act, S.O., c. 25, as amended, permits a local municipality 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;

WHEREAS Section 130 of the Municipal Act, S.O., c. 25, as amended, permits a municipality to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety, and well-being of inhabitants of the municipality, and

WHEREAS Section 131 of the Municipal Act, S.O., c. 25, as amended, permits a local municipality to prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition, and

WHEREAS Section 427 of the Municipal Act, S.O., c. 25, as amended, provides that where council has authority by by-law or otherwise 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 the Council of The Corporation of the Municipality of Sioux Lookout deems it necessary and desirable to provide for the maintaining of land in a clean and clear condition;

NOW THEREFORE, the Council of The Corporation of the Municipality of Sioux Lookout ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-Law:

"Council" means the Council of The Corporation of the Municipality of Sioux Lookout.

"Inoperative Motor Vehicle" means a motor vehicle which is not operative or which is not currently licensed pursuant to the provisions of The Highway Traffic Act (Ontario) and amendments thereto, or a motor vehicle having missing bodywork, components or parts, including tires, or damaged components, parts, bodywork, glass, or deteriorated or removed adjuncts, which prevent its mechanical function, or which has had part or all of its superstructure or sources of motive power removed.

"Land" includes yard or vacant lot.

"Local Municipality" means The Corporation of the Municipality of Sioux Lookout

"Motor Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven other than by muscular power.

"Municipality" means The Corporation of the Municipality of Sioux Lookout.

"Officer" includes the Property Standards Officer, Municipal Law Enforcement Officer, By-Law Enforcement Officer, Chief Building Official, Building Inspector, or other person appointed or employed by the Municipality of Sioux Lookout to enforce by-laws of the Corporation.

"Order" means any notice of non-compliance issued under this By-Law.

"Owner" includes:

- (i) the assessed owner of land;
- (ii) both the owner in trust and beneficial owner of land;
- (iii) any person managing or receiving rent for any land or premises whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- (iv) where the property is included in a description registered under the *Condominium Act*, the Board of Directors of the condominium corporation;
- (v) a lessee or occupant of the property who manages or controls the condition of the property.

"Property" means any grounds, yard or vacant lot.

"Refuse" means ashes, debris, rubbish, garbage, waste, or material of any kind whatsoever and without limiting the generality of the foregoing includes accumulations, littering, remains, trash, discarded or inoperative mechanical equipment, automotive and mechanical parts, disused or discarded furniture, green waste, paper, carton, crockery, glass, cans, containers, earth or rock fill, old or decaying lumber, or material from construction or demolition projects, domestic, commercial and industrial waste.

"Weed" means a noxious weed designated by or under the Weed Control Act, RSO 1990, c. W.5, including any weed designated as a local or noxious weed under a by-law of the Municipality passed under that Act.

"Yard" means the land appurtenant to any building.

2. GENERAL PROVISIONS

2.1 This By-Law may be cited as the "Yard Maintenance By-Law".

2.2 This By-Law shall apply to all land within the Municipality of Sioux Lookout including residential, non-residential and vacant land.

- 2.3 In the event of any conflict between this By-Law and any other By-Law of the Municipality, the more restrictive provision shall prevail unless the context requires otherwise.
- 2.4 Should a court of competent jurisdiction declare a part or whole of any provisions of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.
- 2.5 Should any provision of this By-Law be declared by a court of competent jurisdiction to be void or ultra vires for any reason, the remaining provisions shall, nevertheless, remain valid and binding and shall be read as if the offending section or subsection had been struck out.

3. DEPOSITING OF REFUSE: HAZARD; PRIVATE OR PUBLIC LANDS

- 3.1 No person shall deposit or cause to be deposited refuse or objects on any lands that may create a health, safety or accident hazard.

4. DEPOSITING OF SNOW OR ICE

- 4.1 No person shall deposit or cause to be deposited snow or ice accumulations on lands that may create a health, safety or accident hazard.

5. DEPOSITING OF THE GROWTH OF TREES, OTHER

- 5.1 No person shall deposit the growth of hedges, shrubs, trees or similar growth on such private lands to interfere with the use of a highway, municipal sidewalk, or land.

6. GRASS AND/OR WEEDS AND HEDGES TRIMMED, MAXIMUM HEIGHT

- 6.1 Grass and/or weeds shall be kept trimmed so as to not to exceed 20 centimetres in height. Being the owner of private lands, no person shall permit the growth of grass and/or weeds on such lands in excess of 20 centimetres in height.
- 6.2 Hedges shall be kept trimmed so as to not to exceed 122 centimetres in height. Being the owner of private lands, no person shall permit the growth of hedges on such lands in excess of 122 centimetres in height.

7. STORAGE OF INOPERATIVE VEHICLES/PARTS

- 7.1 No person shall permit land to be used for the storage of inoperative motor vehicle(s) or parts thereof except in accordance with the following:
- 7.1.1 the vehicle and parts are stored in an enclosed building;
- 7.1.2 the vehicle and parts are fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair, in which case no more than one such covered vehicle shall be permitted in any yard; and

7.1.3 the vehicle shall not leak oil or other fluids.

7.2 Notwithstanding the above, this section shall not apply to the storage of motor vehicles and parts, which are reasonably necessary for the conduct of a bona fide business, lawfully conducted on the property.

8. PONDING OF STORM WATER

8.1 All lands shall be graded, filled up or otherwise drained so as to prevent recurrent ponding of storm water.

9. HOLES, PITS, EXCAVATIONS, TRENCHES – HAZARDS

9.1 No person shall permit or allow on property owned or occupied by such person any holes, pits, excavations or trenches constituting a health or safety hazard.

10. EXEMPTIONS

10.1 Notwithstanding the above, nothing in this By-Law shall be deemed to interfere with the filling or raising of land with earth or rock fill or with the disposal of refuse on any lands which have been designated for that purpose by By-Law of the Municipality.

11. INSPECTIONS

11.1 An Officer may reasonably inspect the property or structure, not including any structure used as a dwelling, at any reasonable time for the purpose of determining whether:

11.1.1 the land or structure is used for dumping or disposing of garbage, refuse, fill or domestic or industrial waste of any kind;

11.1.2 the land or structure is used for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;

11.1.3 the owner, lessee or occupant has complied with any Order sent by an Officer; or

11.1.4 there is compliance or non-compliance with any other provision of this By-Law.

11.2 Every owner or occupant shall permit an Officer, upon production of identification and the purpose of the inspection, to inspect the land or structure for the purpose of Subsection 11.1.

12. OBSTRUCTION OR HINDRANCE OF OFFICER OR INSPECTION

12.1 No person shall hinder or obstruct an inspection or an Officer appointed under this By-Law or an employee employed to enforce this By-Law from carrying out an inspection of lands or structures under this By-Law, nor shall any person obstruct any employee or agent authorized to carry out work for the Municipality specified in a Remedy to an Order issued hereunder as set out in Section 14.

13. ENFORCEMENT

13.1 An Officer may make an Order, in writing, sent by pre-paid regular mail to the last known address, posted on site or personally delivered, to an owner, lessee or occupant, requiring the owner, lessee or occupant within the time specified in the Order that they shall:

- 13.1.1 Clean and clear up the property and to bring the property into compliance with any section of this By-Law;
- 13.1.2 Repair or remove obstructions from private drains, and ensure drainage and proper connection of private drains to storm or sewage systems of the Municipality or otherwise provide for the sanitary disposal of sewage or drainage from the land;
- 13.1.3 Clean, clear or remove from the land or structure any or all garbage, refuse, fill, inoperative motor vehicle, sewage, long grass, weed, or domestic or industrial waste of any kind;
- 13.1.4 Cease using the land or structure for the dumping or disposing of garbage, refuse, used motor vehicles, motor vehicle parts, domestic or industrial waste of any kind;
- 13.1.5 Maintain exterior walls of a building or structure and their components clean and clear of posters that are:
 - 13.1.5.1 for events that have already occurred or where the message contained is unreadable, or
 - 13.1.5.2 that are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter;
- 13.1.6 Alter or relay a private drain or fill up any property or part of a property; or
- 13.1.7 Remove obstructions from watercourses.

13.2 Every Order sent by an Officer shall identify the land or structure.

14. REMEDIES

14.1 Where an owner, lessee or occupant does not comply with an Order under this By-Law within the time specified for compliance, an Officer, with such assistance by others as may be required and upon reasonable notice as may be required in one or more of the methods provided in Subsection 13.1, may

- 14.1.1 Clean or clear up a property and bring it into compliance with any section of this By-Law;
- 14.1.2 Repair, maintain or remove obstructions from a private drain, and ensure drainage and proper connection of private drains to storm or sewage systems of the Municipality or otherwise provide for the sanitary disposal of sewage or drainage from the land;

- 14.1.3 Clean, clear or remove from the land or structure any or all garbage, refuse, fill, inoperative motor vehicle, sewage, long grass, weed, or domestic or industrial waste of any kind;
- 14.1.4 Remove used motor vehicles and other machinery, and any parts, stored for the purpose of wrecking or dismantling the materials or the salvaging parts thereof for sale or other disposal;
- 14.1.5 Clean or clear exterior walls of a building or structure and their components of posters that are:
 - 14.1.5.1 for events that have already occurred or where the message contained is unreadable, or
 - 14.1.5.2 that are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter;
- 14.1.6 Alter or relay a private drain or fill up any property or part of a property; or
- 14.1.7 Remove obstructions from watercourses.
- 14.2 Where any of the materials or things are removed in accordance with Subsection 14.1, the matters or things may be immediately disposed of an Officer and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited first against costs incurred under this Section, and then, if sufficient to eliminate those costs, the balance shall be refunded to the person who was in possession of the materials or things prior to their removal from the land.
- 14.3 The Municipality shall recover all costs and expenses associated with actions taken and work done to property under this Section in a manner as provided by statute, whether by action or as otherwise provided, plus interest at the rate of 15% per annum from the day the Municipality incurs such costs and ending on the day the costs, including interest, are paid in full.
- 14.4 An Officer is authorized to give immediate effect to any Order issued under Section 13 that has not been complied with by the owner where the cost of doing the work to comply with the Order does not exceed \$5,000 and where above such amount as Council may authorize.
- 14.5 Where Council so directs by by-law, as an alternative to Subsection 14.3, the expense, work or repairs in excess of \$5,000 under this By-Law, shall, with interest at the rate applicable in Subsection 14.3 above, be payable instead by the person failing to carry out such work as required in annual instalments not exceeding 10 years, and the Municipality may borrow money to cover such expense by the issue of debentures of the Corporation payable in not more than 10 years.

15. OFFENCES AND PENALTIES

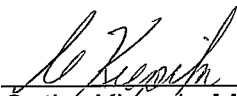
- 15.1 Any person who contravenes any provisions of this By-Law is guilty of an offence and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

16. **ENACTMENT**

16.1 THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST AND SECOND TIME THIS NINETEENTH DAY OF APRIL 2006.

READ A THIRD TIME AND PASSED THIS NINETEENTH DAY OF APRIL 2006.


Cathy Kiepek, Mayor


Mary L. MacKenzie, Clerk

/jmt
4/25/06

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT BY-LAW No. 16-06
Title: Municipality of Sioux Lookout Maintaining of Land in a Clean and Clear Condition

SET FINES
(attached for information only; not part of the By-Law)

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (Includes Costs)
1	Permitting the deposit of refuse or objects that may create a health, safety or accident hazard.	Section 3.1	\$100.00
3	Failure to remove snow or ice that may create a health, safety or accident hazard	Section 4.1	\$150.00
4	Allowing the hedges, shrubs, trees or similar growth to interfere with the use of a highway, municipal sidewalk, or land	Section 5.1	\$100.00
5	Allowing grass and/or weeds to exceed the maximum height	Section 6.1	\$100.00
6	Allowing the storage of more than one inoperative vehicle	Section 7.1.2	\$150.00
7	Failure to store vehicles and parts in an enclosed building	Section 7.1.1	\$100.00
8	Failure to cover a vehicle and parts	Section 7.1.2	\$100.00
9	Allowing a recurrent ponding of storm water	Section 8.1	\$150.00
10	Allowing of holes, pits, excavations or trenches constituting a health or safety hazard	Section 9.1	\$200.00
11	Failure to allow an Officer to carry out an inspection	Section 12.1	\$200.00