

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 1999-29**

A by-law to establish standards for the maintenance
of lands in a clean and clear condition.

WHEREAS the Municipal Act, R.S.O. 1980, C. 302, as amended, S.210, Paragraphs 74, 76, 77, 129 and 130 authorizes the Councils of municipalities to pass by-laws for prescribing standards for the maintenance of lands in a clean and clear condition;

AND WHEREAS it is deemed expedient to establish standards for the maintenance of land in the Town of Amherstburg;

NOW THEREFORE, the Council of the Corporation of the Town of Amherstburg enacts as follows:

PART 1
DEFINITIONS

In this by-law:

- 1.01 "C.B.O." means the Chief Building Official of the Corporation of the Town of Amherstburg.
- 1.02 "Town" means the Corporation of the Town of Amherstburg.
- 1.03 "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 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 domestic waste extends to the following classes of waste material:
 - (a) Accumulations, deposits, leavings, litter, remains, rubbish, trash and dead branches;
 - (b) Refrigerators, freezers or any parts thereof;
 - (c) Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks or plumbing fixture;
 - (d) Inoperative motor vehicles, trailers, vehicle parts and accessories;
 - (e) Paper, cartons, fabrics or carpets;
 - (f) Furniture;
 - (g) Crockery;
 - (h) Sewage.
- 1.04 Garbage has the same meaning as "Waste Material".
- 1.05 "Industrial Waste" means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture of concerning or relating to trade, business, calling or occupation that appears to be waste materials and; and for greater certainty, but not so as restricted 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, inoperative motor vehicles, trailers, boats, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
- (c) Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing conduits or cable;
- (d) Containers or pallets 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;
- (h) Sewage.

1.06 "Inoperative motor vehicle" means a motor vehicle which is without a current license plate and has its' fenders, hood, trunk, roof, wheels or any part of its' superstructure removed or a motor vehicle which is in a dilapidated condition;

1.07 "Inspector" means a person who has been assigned the responsibility of administering and enforcing this by-law;

1.08 "Owner" includes the person for the time being, managing or receiving the rent of the land or premises in connection with which the work is used whether on his own account or as an agent or trustee of any other person who would so receive the rent if such land and premises were let and shall also include a lessee or occupant of the property who under the terms of a lease is required to repair and maintain the property and shall include a person in control of the premises;

1.09 "Person" means an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau and agency;

1.10 "Private Drain" means a drain or sewer or part thereof situated on private property;

1.11 "Refuse" has the same meaning as "Waste Material";

1.12 "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;

1.13 "Waste Material" means material or effluent that in the opinion of the C.B.O. or an 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 of expended or worn out in whole or in part.

PART 2
GENERAL MAINTENANCE STANDARDS

Drainage

- 2.01 Every owner shall keep his or her grounds, yard, or vacant land filled up and drained.
- 2.02 Every owner shall keep in repair his or her private drain.
- 2.03 Surface drainage run off is to be directed to:
- (a) municipal storm sewer
 - (b) municipal drain
 - (c) a swale connected to municipal drainage system.
- 2.04 Surface runoff is not permitted to drain onto adjacent property unless authorized by agreement.
- 2.05 Every owner shall provide for the sanitary disposal of sewage in accordance with the municipal sewer by-law, Ontario Building Code or any other governing authorities.

Yard Maintenance

- 2.06 Every owner shall keep his or her grounds, yard or vacant land filled up, clean or cleared up. "Clean or cleared up" includes the removal, trimming or cutting of weeds, grass or ground cover more than eight (8") inches in height.
- 2.07 Every owner shall keep his or her land free and clear of all garbage, refuse or domestic or industrial waste or any kind.
- 2.08 No person shall use any land or structure within the limits of the Town of Amherstburg for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind.
- 2.09 Subsection 2.07 and 2.08 do not apply to:
- (a) land or structures used by the Town for the purpose of dumping or disposing of garbage or refuse or domestic or industrial waste,
 - (b) land designated by a by-law of the Town for purpose of dumping or disposing of garbage or refuse or domestic or industrial waste.

Motor Vehicles, Trailers and Boats and Parts

- 2.10 Except as provided in the Town's zoning by-law, as amended from time to time, no person shall use any land or structure in the Town for sorting or storing of vehicles, trailers, boats; for sorting used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

PART 3
ADMINISTRATION AND ENFORCEMENT

3.01 This by-law shall apply to all properties within the limits of the municipality's jurisdiction.

Officers

3.02 The municipality shall assign a Chief Building Official and Inspector(s) responsible for the enforcement of this by-law.

Inspections

3.03 Where an inspector believes on reasonable grounds, that this by-law is being contravened, the inspector may at all reasonable times and upon producing proper identification enter and inspect the use of any land or structure for the purpose of determining whether:

- (a) the land or structure is used for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind;
- (b) 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;
- (c) the owner has complied with any notice sent by the C.B.O. or an inspector.

3.04 Every owner shall permit the C.B.O. or any inspector to inspect the land or structure for the purposes of enforcing this by-law.

3.05 An inspector shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

Orders and Notices

3.06 The C.B.O. or an inspector may by correction order posted on site or delivered by hand, or registered mail served on the owner of the land or structure, require the owner within the time specified with the notice:

- (a) to keep his or her private drains in repair;
- (b) to alter or relay his or her private drains;
- (c) to provide for the sanitary disposal of sewage and drainage from his or her land or structure;
- (d) to clean, clear or remove from the land or structure or domestic or industrial waste of any kind;
- (e) to cease using the land or structure for the dumping or disposing of garbage, refuse or domestic or industrial waste of any kind;
- (f) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the C.B.O.

3.07 Every notice to an owner shall be sent to the address shown on the last revised assessment roll or to the last address.

3.08 Every notice sent by the C.B.O. shall identify the land or structure.

Non-Compliance

3.09 Where the owner is in default of doing the matter or thing required to be done under this by-law, the C.B.O. 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 or domestic or industrial waste;
- (f) cover over, screen, shield or enclose domestic or industrial waste;
- (g) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

3.10 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 C.B.O.

3.11 The Town shall recover the expense in doing a matter or thing referred to in subsection 3.09 and 3.10 by action or in like manner as municipal taxes.

Penalties

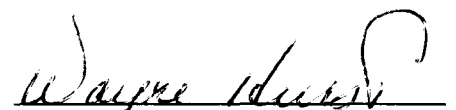
3.12 Every owner who contravenes any provision of this by-law, is guilty of an offence and liable to a fine of not more than \$5,000.00 upon conviction, exclusive of costs, for each offense and every such penalty shall be recoverable under The Provincial Offences Act, R.S.O. 1990, c. 400, as amended.

Validity

3.13 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

3.14 The short title of this By-law is the Waste Materials By-law.

Read a first, second and third time and finally passed this **10th** day of **May, 1999**.



Mayor



Clerk