

THE CORPORATION OF THE MUNICIPALITY OF MACHIN

BY-LAW NUMBER 43-2008

Being a By-Law to Amend the Municipal Code of the Corporation of the Municipality of Machin by Adding a New Chapter 170 - Property Maintenance to Provide for the Maintaining of Land in a Clean and Clear Condition, including the Property Maintenance Short Form Wording and Set Fines (as attached).

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, provides that 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 to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and,

WHEREAS Section 130 of the Municipal Act, S.O., c. 25, as amended, provides that a local municipality may 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, provides that a local municipality may 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;

WHEREAS The Council of the Corporation of the Municipality of Machin deems it necessary and expedient to provide for the maintaining of land in a clean and clear condition;

NOW THEREFORE The Council of the Corporation of the Municipality of Machin enacts as follows:

1. THAT the Municipal Code of the Corporation of the Municipality of Machin is hereby amended by adding a new chapter entitled Property Maintenance to provide for the maintaining of land in a clean and clear condition and to read as follows:

ARTICLE I
Interpretation

1.1 Title.

This Chapter may be cited as the "Property Maintenance By-law".

1.2 Scope.

This Chapter shall apply to all land within the Municipality of Machin including residential, non-residential and vacant land.

1.3 Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

BY-LAW ENFORCEMENT OFFICER – A By-law Enforcement Officer of the Corporation of the Municipality of Machin.

MUNICIPALITY – The Corporation of the Municipality of Machin.

1.4 Interpretation.

INOPERATIVE MOTOR VEHICLE - 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, which has had part or all of its superstructure or sources of motive power removed.

LAND – includes yard or vacant lot.

MOTOR VEHICLE – Includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power.

OWNER – An owner, lessee, or occupant of any land in the Municipality.

REFUSE – 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, garden refuse and trimmings, paper, cartons, crockery, glass, cans, containers, earth or rock fill, old or decaying lumber, or material from construction or demolition projects, domestic, commercial and industrial waste.

YARD – an open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky.

ARTICLE II General Provisions

1.5 Conflict.

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.

1.6 Depositing of Refuse – Hazard.

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

1.7 Depositing of Snow or Ice.

- A. No person shall deposit or cause to be deposited snow or ice accumulations on lands that may create a health, safety or accident hazard.
- B. No person shall deposit or cause to be deposited snow or ice from private lands onto public lands.

1.8 Depositing of the Growth of Trees – Other.

Being the owner of private lands, 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, city sidewalk, or land.

1.9 Grass and/or Weeds Trimmed – Maximum Height.

Grass and/or weeds shall be kept trimmed so as to not 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.

1.10 Storage of Inoperative Vehicles/parts.

A. 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:

- (1) the vehicle and parts are stored in an enclosed building;
- (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 (1) such covered vehicle shall be permitted in any yard.

B. 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.

1.11 Depositing of Refuse – Private or Public Lands.

No person shall permit or cause to be permitted the throwing, placing or depositing of refuse on private land or public lands.

1.12 Exemptions.

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.

1.13 Ponding of Storm Water.

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

1.14 Holes, Pits, Excavations, Trenches – Hazards.

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.

ARTICLE II
Enforcement

1.15 Penalties; Offences.

Any person who contravenes any provisions of Sections **1.6, 1.7(A), 1.7(B), 1.8, 1.9, 1.10(A) (2), 1.11, 1.13, 1.14** of this Chapter shall be guilty of an offence and shall be subject to a fine or penalty of not less than \$105.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

2. **THAT** this By-law shall come into force and take effect upon receipt of final approval from the Province of Ontario Crown Law Office and the Regional Superior Justice.

ENACTED AND PASSED THIS 18th DAY OF August A.D. 2008 as witnessed by the Corporate Seal of The Corporation of the Municipality of Machin and hands of its proper Officers duly authorized in that behalf.

READ a FIRST, SECOND and THIRD time, and FINALLY passed this 18th day of August, 2008.

THE CORPORATION OF THE
MUNICIPALITY OF MACHIN

Garry Parkes - Mayor

Bryan Brown – Administrator

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 Set Fine (includes costs) |
|-------------|--|--|---|
| 1. | (Deposit) (Cause to Deposit) (Refuse) (Object) on lands, create hazard | 1.6 | \$155.00 |
| 2. | (Deposit) (Cause to Deposit) (Ice) (Snow) on lands | 1.7 (A) | \$125.00 |
| 3. | (Deposit) (Cause to Deposit) (Ice) (Snow) from private land onto public land | 1.7 (B) | \$125.00 |
| 4. | Owner private land, deposit plant growth waste as to interfere with (Highway) (City Sidewalk) (Land) | 1.8 | \$110.00 |
| 5. | Owner of private land, fail to keep growth of (Grass) (Weeds) below 20 centimeters in height | 1.9 | \$110.00 |
| 6. | Permit storage of inoperative motor vehicle (Parts), not in an enclosed building | 1.10 (A) (1) | \$105.00 |
| 7. | Permit storage of inoperative motor vehicle (Parts), not completely covered with opaque tarpaulin | 1.10 (A) (2) | \$105.00 |
| 8. | Permit storage of more than one (1) covered inoperative motor vehicle (Parts) | 1.10 (A) (2) | \$105.00 |

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 Set Fine (includes costs) |
|-------------|--|--|---|
| 9. | Permit (Cause to Permit) deposit of refuse on (Public) (Private) land | 1.11 | \$125.00 |
| 10. | Fail to (Grade) (Fill) (Drain) land, as to prevent ponding of water | 1.13 | \$110.00 |
| 11. | (Own) (Occupy) land, permit (Hole) (Pit) (Excavation) (Trench) which creates hazard | 1.14 | \$155.00 |