

THE CORPORATION OF THE TOWNSHIP OF TARBUTT
BY-LAW 2023 – 18

A BY-LAW respecting the Cleaning and Clearing of Yards and Properties within The Township of Tarbutt; and to Repeal By-law #7-75.

WHEREAS pursuant to Section 8 (1) of the *Municipal Act, S.O. 2001, c.25*, as amended, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 10, subs. (5), (6) and (8) of the *Municipal Act, 2001*, as amended, provides that a single tier municipality may pass by-laws respecting economic, social and environmental well being of the municipality, including respecting climate change; Health, Safety and well being of persons; and Protection of persons and property, including consumer protection; and

WHEREAS Sections 127, 128 and 131 of the *Municipal Act, 2001*, as amended, authorize municipalities to pass by-laws requiring the cleaning and clearing of yards, for prohibiting the depositing of refuse on private and public lands, and for prohibiting the wrecking, dismantling or salvaging of used motor vehicles; and

WHEREAS section 391 (1) (a) of the *Municipal Act, 2001*, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality; and

WHEREAS section 425 of the *Municipal Act, 2001*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

WHEREAS Section 434.1 of the *Municipal Act, 2001*, as amended, provides that municipalities may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under this Act; and

WHEREAS the Council of The Township of Tarbutt deems it necessary to pass a by-law to prevent the accumulation of rubbish, refuse, garbage, litter, junk, vehicles, equipment, machinery and waste material within the Township, and to reduce or eliminate health hazards and risk of fire;

NOW THEREFORE the Council of The Township of Tarbutt enacts as follows:

1. TITLE AND SCOPE

This By-law shall be known as a By-law to regulate the filling up, draining, cleaning and clearing of any properties, yards or vacant lots within The Township of Tarbutt, and requiring buildings and yards to be kept in a safe and clean condition.

2. DEFINITIONS

“Clerk” means the Clerk of The Township of Tarbutt as appointed by Council, or their designate.

“Derelict Automobile” means a motor vehicle that is inoperable, has no market value as a means of transportation, or has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition, is unlicensed for the current year, and/or is not properly enclosed and protected.

“Municipal Act” means the Municipal Act, 2001, S.O. c.25, as amended.

“Municipality” means The Corporation of The Township of Tarbutt.

“Occupant” means any person or persons over the age of eighteen years, but not necessarily the owner of the property, who is apparently in possession of the property.

“Officer” shall include a Municipal By-Law Enforcement Officer of The Township of Tarbutt, Building Inspectors or any Inspector appointed by by-law of The Township of Tarbutt, the Fire Chief or designate, officers of Algoma Public Health, a Conservation Officer of the Ministry of Natural Resources and Forestry, or an officer of the Ontario Provincial Police.

“Owner” means the registered owner of property as listed on the most recent assessment roll for the municipality and, for the purposes of this By-law, includes any registered lessee or tenant.

“Property” means real property in the form of land and buildings, or personal, moveable property.

“Township” means The Corporation of The Township of Tarbutt.

“Vacant Lot” means any parcel of land capable of being conveyed and on which there is no structure or building being used or occupied.

“Waste Material” shall include garbage, rubbish, recyclable materials, discarded building materials, refuse or junk, tin cans, bottles, boxes or other containers, machinery, derelict automobiles as defined herein, and any material in excess to the needs of the owner.

3. GENERAL PROVISIONS

- a. No owner shall cause any grounds, yard, lot or property to remain in anything other than an orderly, tidy and litter free manner.
- b. No owner shall allow or permit the creation, presence or existence of any waste material or unsafe condition in or upon any yard, lot, ground or buildings which they own, rent, occupy or have an interest in, whether equitable or legal.

4. WEEDS

- a. An owner or occupant shall keep all grass and herbage sufficiently cut and trimmed in the following preventative manner:
 - i to discourage the spread of ticks and other harmful or annoying insects;
 - ii to prevent the ripening and dispersal of noxious weeds and plants;
 - iii to present a reasonably neat appearance to the public;
 - iv to prevent herbage from growing to an extent of more than 8” in height.
- b. In the event that the owner of a property has failed to take action to eliminate and destroy noxious weeds or long grass, the Township may do such work or cause it to be done, and the cost thereof may be recovered from the said owner as Administrative Penalties and collected in a like manner as municipal taxes.

5. VEHICLES

No vehicle, including a trailer or any part of such vehicle or trailer which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left outdoors on any property in the Township with the following exceptions:

- a. where it is part of an automotive repair establishment or use, an automotive or auto body establishment use, or a permitted Industrial use zoned in accordance with The Township of Tarbutt Zoning By-law;
- b. where it is part of any legal non-conforming automotive use or licensed salvage yard use;
- c. where the vehicle is at least 20 years of age and is being or has been actively restored as an antique vehicle, display vehicle or operational vehicle;
- d. where the vehicle is operative and has a license plate that has been registered for that vehicle, and said license is valid and up-to-date that has been issued or attached to that vehicle which has not expired for more than one year.
- e. No person shall allow the piling or stacking of vehicles on any property unless the property is licensed by the Municipality as a salvage yard.

6. EXCEPTIONS

No owner or occupant of land shall permit or allow automobiles, trucks, boats or other derelict vehicles or parts thereof or any discarded building material or any machinery or machinery parts of any kind or description to be stored upon on grounds, yard, or lot with the following exceptions:

- a. Where the items set out in Section 5 above are properly enclosed within a shed or garage or suitable building, or kept behind a barrier which protects them from view;
- b. Where the items set out in Section 5 above are being stored by an owner licensed to conduct business upon that property, and storage of such items is a necessary or normal accessory use thereof;
- c. Land which is a waste disposal site which has an ECA for such purposes issued by the Ministry of Environment, Conservation and Parks.

7. DRAINAGE

- a. No owner or occupant of a property shall:
 - i. discharge sewage onto the surface of the ground;
 - ii. allow discharge from a sump pump to enter a neighbouring property;
 - iii. allow roof run off to enter a neighbouring property;
- b. Every owner or occupant of a property shall ensure proper drainage swales are installed to direct drainage away from an abutting property.

8. INSPECTION

- a. An Officer of The Township of Tarbutt, as appointed, has the power to enter upon and examine any grounds, yard, vacant lot or building at any reasonable time.
- b. An Officer may be accompanied by such other persons as may be deemed necessary to properly carry out their duties under this By-law.

9. COMPLIANCE

- a. Where any grounds, yard, vacant lots or buildings fail to meet the standards as set out in the By-law, the owner of the said grounds, yard, vacant lot or building shall eliminate, repair, clean up, fill up, otherwise remove or dispose of any waste material or unsafe condition existing on the said land.
- b. Any person who hinders, disturbs or obstructs any officer in the conduct of their duties, or contravenes any provision of this By-law, unless otherwise provided herein, is guilty of an offence and, upon conviction, is liable to a fine pursuant to the Township's Administrative Penalty System.
- c. An Officer of the Township may give the owner of any property that fails to meet the standards set out in this By-law, a notice in writing delivered or sent by mail to the owner, directing the owner to correct the undesirable or unsafe condition existing on the property within the time stipulated in the notice, and notifying the owner that, in default of compliance with the notice, the Township shall cause the work to be done.
- d. In the event that the owner does not comply with the direction of the Notice noted above, the Township may do such work or cause it to be done, and the cost thereof may be recovered from the owner by court action or the same may be recovered through administrative penalty in a like manner as taxes.

NOW THEREFORE the Council of The Corporation of The Township of Tarbutt hereby enacts as follows:

1. The short title of this By-law shall be The Clean and Clear Yards By-law.

The Township of Tarbutt Clean Yards By-law 2023 -

2. Words used in the singular form shall have corresponding meanings when used in the plural form.
3. The word “may” shall be construed to be permissive, and the word “shall” shall be construed as imperative.
4. Should any section, sub-section, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provision of this by-law.
5. That By-law #7-75 and any previous By-law or Resolution which conflicts with or contradicts the provisions set out herein shall be hereby repealed.
6. This By-law shall come into force and have effect upon the date it is finally passed.

READ A FIRST TIME this Nineteenth day of July, 2023.

READ A SECOND AND THIRD TIME and finally passed this 19th day of July, 2023.



Lennox Smith, Mayor



Carol O. Trainor, Clerk