

# **THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD**

## **BY-LAW 65-2024**

Being a By-law Concerning Waste and Debris and the Filling, Draining, Cleaning and Clearing of Grounds and Vacant Lots in the Village of Merrickville-Wolford

**WHEREAS** Section 8 of the *Municipal Act, 2001*, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person, for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 127 of the *Municipal Act, 2001*, as amended, permits a municipality to pass by-laws requiring an 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 for regulating when and how such matters shall be done, for prohibiting the depositing of refuse or debris on land without the consent of the owner or occupant of land and for defining “refuse”;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001*, as amended, permits a municipality to pass by-laws prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and in the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

**AND WHEREAS** Section 11 (2) of the *Municipal Act, 2001*, as amended, provides that a municipality may regulate matters not specifically provided for in this Act, or any other Act for purpose related to the health, safety and wellbeing of the inhabitants of the municipality;

**AND WHEREAS** Section 131 of the *Municipal Act, 2001*, as amended, permits a 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 425 of the *Municipal Act, 2001*, as amended, permits municipalities to pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, as amended, provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

**NOW THEREFORE** the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

### **1. SHORT TITLE**

The short title of this By-law is the “Yards By-law”.

## 2. DEFINITIONS

For the purposes of the By-law, the following definitions shall apply:

- a) **Chief Building Official (CBO)** means the Chief Building Official appointed by the Council of the Corporation of the Village of Merrickville-Wolford.
- b) **Council** means the Council of the Corporation of the Village of Merrickville-Wolford.
- c) **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:
  - i. Accumulations, deposits, leavings, litter, remains, rubbish, trash;
  - ii. Refrigerators, freezers or other appliances with attached hinges or latching, locking or other closing mechanism or device;
  - iii. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
  - iv. Inoperative motor vehicles, vehicle parts and accessories;
  - v. Boats, parts of boats that are abandoned but not including any under repair or appearing to be under repair;
  - vi. Felled trees (by any means), limbs being left but not as firewood or in the process of being sawn into firewood, or brush piles;
  - vii. Paper, cartons, containers, bottles, jars;
  - viii. Furniture,
  - ix. Crockery;
  - x. Sanitary sewage.
- d) **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 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 industrial waste extends to the following classes of waste materials:
  1. Articles, things, matter, effluent which in whole or in part of 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.
  2. Automotive parts, inoperative 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, feathers, hides;
  8. Sewage from any source.

- e) **Inoperative Motor Vehicle** means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunction, which may prevent its mechanical function as an operating vehicle on a public highway.
- f) **Lands** includes grounds, yards, or vacant lots.
- g) **Municipal By-Law Enforcement Officer** means a Municipal By-law Enforcement Officer appointed by the Corporation and includes the Chief Building Official.
- h) **Municipality** means the Corporation of the Village of Merrickville-Wolford.
- i) **Owner** includes the registered owner and any occupant or person having control of the premises.
- j) **Premises** means the building, any grounds, yard or vacant lot.
- k) **Refuse** includes domestic waste, industrial waste, and/or inoperative motor vehicle.
- l) **Turfgrass** means vegetative ground cover consistency of one or more perennial vegetation type that forms a dense, uniform turf if mown.

### 3. APPLICATIONS

- 3.1 The Municipality is exempt from the provisions of this By-law.
- 3.2 Nothing in this By-law shall be deemed to interfere with the filling, grading or raising of land with earth or rock fill done under legal permit from the Municipality, or any other governing agency, or done as an adjunct to building operations covered by building permits issued by the Municipality, or the disposal of waste on any lands which have been lawfully designated for that purpose by the Municipality.
- 3.3 Where any lands, buildings or structures are not maintained pursuant to the requirements of this By-law, a Municipal By-law Enforcement Officer of the Municipality may either deliver personally upon the owner or send or cause to be sent a notice by registered mail to the owner at their last known address requiring them to make the lands conform to the requirements of this By-law and the notice shall specify the time permitted for compliance. This notice is deemed to have been served six (6) days after being sent by registered mail.

### 4. REGULATIONS

- 4.1 No person shall, within the boundaries of the Municipality, permit any lands under their control to become unhealthy, unsanitary, or keep lands or buildings the condition of which could create a fire or accident hazard or any risk to public safety.
- 4.2 No person shall grade, fill up or drain land so as to cause recurrent pondage of water.
- 4.3 No person being the owner of land shall permit turfgrass in excess of 150 mm in length on any such lands as are in the urban centre or the hamlet centres as indicated in the Municipality's Zoning By-law, as amended from time to time.
- 4.4 No owner of lands used for residential, industrial, commercial or institutional use in the Municipality shall permit turfgrass to exceed 150mm in length, or fail to remove the cuttings between May 1<sup>st</sup> and October 15<sup>th</sup> in each calendar year.

4.5 a) No person shall use any lands, vehicle, trailer or structures for dumping or disposing, or keeping of garbage, refuse or domestic or industrial waste of any kind.

b) Notwithstanding the provisions of subsection a), this By-law shall not be deemed to prohibit the orderly storing of material which is required for business purposes as part of a legally operating business or properly maintained compost in bins.

## **5. ENFORCEMENT**

5.1 a) Where a notice has been sent pursuant to Section 3.3 of this By-law and the requirements of the notice have not been complied with, the Municipal Law By-law Enforcement Officer, or their designate to assist in the performance of their duties, may take the necessary actions to:

- i. Fill up, drain, clean or clear up the ground(s), yard(s) or vacant land;
- ii. Repair the private drain or later or relay the private drain;
- iii. Remove refuse or debris;
- iv. Provide for the sanitary disposal of sewage and drainage;
- v. Remove garbage refuse or domestic or industrial waste;
- vi. Cover over, screen, shield or enclose domestic or industrial waste;
- vii. Remove inoperable motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal;
- viii. Repair, demolish or board-up a building or structure;
- ix. Remove, repair any unhealthy, unsanitary and/or unsafe condition; and/or
- x. Elect to carry out legal prosecution pursuant to the requirements of the Provincial Offences Act.

b) The Municipality may recover expenses or costs associated with doing a matter or thing referred to in subsection a) by action, or in like manner as municipal taxes.

c) The notice shall specify the time allowed to bring the property into conformity.

## **6. OFFENCE AND PENALTIES PROVISIONS**

6.1 Any person who contravenes any of the provisions of this By-law, or who obstructs or attempts to obstruct a Municipal By-law Enforcement Officer or any employee or agent of the Municipality in carrying out their duties under this By-law is guilty of an offence and on conviction is liable to a fine pursuant to the Provincial Offences Act of not more than ten thousand dollars (\$10,000), exclusive of costs.

6.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

6.3 Notwithstanding section 5.1 of this By-law, every person who contravenes any provision of this By-law shall, upon issuance of an Administrative Monetary Penalty Notice in accordance with Administrative Penalty By-law 10-2025, be liable to pay to the Corporation of the Village of Merrickville-Wolford an Administrative Monetary Penalty in accordance with Schedule C of Administrative Penalty By-law 10-2025.

6.4 If a Person is required to pay an Administrative Penalty under section 6.3 in respect of a contravention of this By-law, the Person shall not be charged with an offence in respect of the same contravention.

## 7. VALIDITY

7.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, then the remainder of this By-law will not be affected and remains in full force and effect.

## 8. COMMENCEMENT

8.1 This By-law shall take effect and come into force on the passing thereof.

8.2 By-law 69-2019 and any other relevant by-laws not in accordance with this By-law are hereby repealed in its entirety.

Read a first and second time the 12<sup>th</sup> day of November, 2024.

Read a third and final time and passed on the 27<sup>th</sup> day of January, 2025.



Michael Cameron, Mayor



Julia McCaugherty-Jansman, Clerk

## Fees and Penalties

### Administrative Monetary Penalties

<b>TABLE 3: DESIGNATED BY-LAW 65-2024</b>			
<b>YARDS BY-LAW</b>			
<b>ITEM</b>	<b>COLUMN 1 BY-LAW REFERENCE</b>	<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET FINE</b>
1	s. 6.1	Obstructing or hindering an officer	\$200.00
2	s. 4.1	Permitted lands to become unhealthy, unsanitary or keep lands or buildings the condition to create fire/accident hazard or public safety risk	\$150.00
3	s. 4.2	Permit or cause the grading, filling up or drainage on land to cause recurrent pondage of water	\$150.00
4	s. 4.3	Permit turfgrass in excess of 150mm in length in an urban centre or hamlet centre	\$150.00
5	s. 4.4	Failure to remove cuttings between May 1 <sup>st</sup> and October 15 <sup>th</sup>	\$150.00
6	s. 4.5	Use of lands, vehicle, trailer or structures for dumping or disposing/keeping of garbage or waste	\$150.00