

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 61-2011

**Being a By-Law to amend By-Law 34-2000, being a by-law
to require and regulate the filling up, draining, cleaning
and clearing of grounds, yards or vacant land**

WHEREAS Section 127 of the Municipal Act, 2001 Revised (formerly section 210(80) of the Municipal Act, RSO 1990, cM.45, as amended), empowers Councils of Municipalities to pass by-laws for requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yards or vacant lots;

AND WHEREAS Council passed a By-Law 34-2000 to require and regulate the filling up, draining, cleaning and clearing of grounds, yards or vacant land on April 26, 2000;

AND WHEREAS it is deemed advisable that the Municipality of Whitestone amends By-Law 34-2000;

Now therefore the Council of the Corporation of the Municipality of Whitestone hereby enacts as follows:

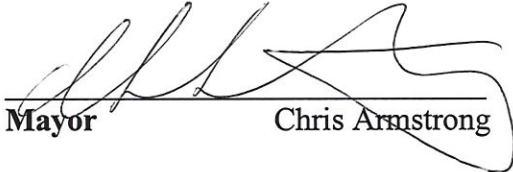
1. That By-Law 34-2000 be amended as follows:

Eliminate the following in Article 4 - Notice:

- 1.4.5 Regulation-inspection – prohibition – applicable
- 1.4.6 Conflict – other enactments

2. This by-law shall come into force and take effect upon passage by Council.

Read a First and Second time this 8th day of December, 2011.

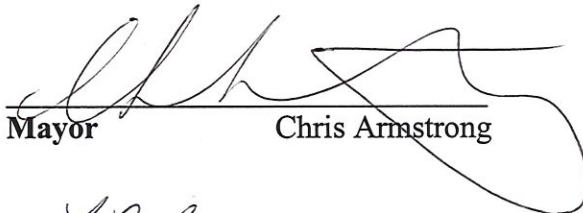


Mayor Chris Armstrong

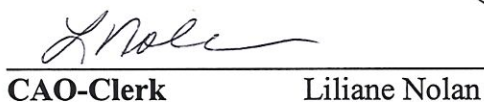


CAO-Clerk Liliane Nolan

Read a Third time and Passed, Signed and Sealed this 8th day of December 2011.



Mayor Chris Armstrong



CAO-Clerk Liliane Nolan

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 34-2000

A By-law to require and regulate the filling up, draining,
cleaning and clearing of any grounds, yards or vacant land.

WHEREAS Section 210(80) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, empowers Councils of Municipalities to pass by-laws for requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yards or vacant lots;

AND WHEREAS the Council of the Corporation of the Municipality of Whitestone deems it necessary and expedient to pass such a by-law;

**Article 1
SHORT TITLE**

1.1.1 The short title of this is the Clean and Clear By-law

**Article 2
INTERPRETATION**

1.2.1 Clean or cleared up – defined
1.2.2 Domestic waste – defined
1.2.3 Industrial waste – defined
1.2.4 Inoperative motor vehicle – defined
1.2.5 Inspector – defined
1.2.6 Municipality – defined
1.2.7 Owner – defined
1.2.8 Person – defined
1.2.9 Responsible person – defined
1.2.10 Salvage material – defined
1.2.11 Sewage – defined
1.2.12 Waste material – defined

**Article 3
GENERAL PROVISIONS**

1.3.1 Land – drained – clean – clear – filled
1.3.2 Waste – domestic – industrial – deposit – prohibited
1.3.3 Dumping – storage – on private property – consent
1.3.4 Dumping – storage – on Municipal property – consent
1.3.5 Sewage – drainage – sanitary disposal – responsibility
1.3.6 Land – maintained – free and clear – all waste
1.3.7 Land – structure – in Municipality – waste disposal – prohibited
1.3.8 Exemptions – dumping – Municipal structures – purpose
1.3.9 Garbage – waste – covered – as prescribed
1.3.10 Vehicle – dismantled – storage – restricted
1.3.11 Regulation – inspection – prohibition – applicable

**Article 4
NOTICE**

1.4.1 Service – by Inspector – requirements
1.4.2 Service – on owner – lessee – last known address
1.4.3 Service – on occupant – affected property
1.4.4 Land – structure – identified

- 1.4.5 Regulation – inspection – prohibition – applicable
 1.4.6 Conflict – other enactments

**Article 5
 INSPECTION – LAND – STRUCTURE**

- 1.5.1 Dumping – disposal – waste – determined
 1.5.2 Vehicle – wrecking – salvaging – determined
 1.5.3 Compliance – with notice – determined
 1.5.4 Obstruction – hindrance – prohibited

**Article 6
 INSPECTOR – AUTHORITY**

- 1.6.1 Failure to comply – remedy – by Inspector
 1.6.2 Matter – things – removed – disposal – immediate
 1.6.3 Expenses – recovery – by Municipality
 1.6.4 Health – safety – protected – nuisance – prevented
 1.6.5 Storage – regulated items – enclosure – requirements
 1.6.6 Compliance – time for – determination – consideration
 1.6.7 Compliance – time for – determination – final
 1.6.8 Compliance – time for – stipulated – in notice
 1.6.9 Compliance – time for – extension
 1.6.10 Inspector – cause to be done

**Article 7
 ENFORCEMENT**

- 1.7.1 Fine – for contravention

**Article 2
 INTERPRETATION**

1.2.1 Clean or cleared up – defined
 For the purpose of Section 1.3.1, “clean and cleared up” includes the removal of weeds or grass more than eight inches in height.

1.2.2 Domestic waste - defined
 “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 term of this Section, it is hereby declared that domestic waste extends to the following classes of waste material:

- (a) accumulations, deposits, leavings, litter, remains, rubbish, trash;
- (b) refrigerators, freezers or other appliances, any attached hinges or latching, locking or other closing mechanism or device, or any part thereof;
- (c) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks or any part thereof;
- (d) inoperative motor vehicles, vehicle parts and accessories;
- (e) paper, cartons;
- (f) furniture;

- (g) crockery;
- (h) sewage;
- (i) salvage materials;
- (j) waste materials;

1.2.3 Industrial waste - defined

"industrial waste" means any article, thing, matter or any effluent belonging to or associated with the 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 or salvage material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, 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, steel, aluminum or other ferrous or non-ferrous material or alloy, or chemical products, whether or not the products are manufactured otherwise processed, or are products or by-products products manufactured or otherwise processed;
- (b) automotive parts, inoperative motor vehicles, batteries, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment or any part thereof;
- (c) piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (d) containers of any size, any type or any composition;
- (e) material resulting from, or as part of construction or demolition projects;
- (f) rubble, inert fill;
- (g) bones, feather, hides;
- (h) sewage;
- (i) salvage material;
- (j) waste material;

1.2.4 Inoperative motor vehicle – defined

"inoperative motor vehicle" means a vehicle having missing part, including tires or damaged or missing glass or deteriorated or removed metal adjunctions, which prevent its mechanical function, or which does not have a current valid vehicle permit issued by the Ministry of Transportation.

1.2.5 Inspector – defined

"Inspector" means a Municipal Law Enforcement Officer or a person employed by the Municipality.

1.2.6 Municipality – defined

"Municipality" means The Corporation of the Municipality of Whitestone

1.2.7 Owner – defined

“owner” means an owner, lessee or occupant, whether in lawful occupation or not.

1.2.8 Person – defined

“person” includes a corporation.

1.2.9 Responsible person – defined

“responsible person” means the person who, in the opinion of the Inspector is the one who has caused, acquiesced or allowed some deed or act to be done or undertaken.

1.2.10 Salvage material – defined

“salvage material” means any scrap metal, steel, plastic, rubber or other such materials or substances or goods, of commercial value or not, collected, deposited, stored or kept for any purpose such as, without limitation, further cutting, sorting or processing, or disposition elsewhere, including the storage of used motor vehicles for the purposes of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

1.2.11 Sewage – defined

“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.

1.2.12 Waste – defined

“waste material” means material or effluent that, in the opinion of the Inspector:

- (a) appears to have been cast aside or discarded or abandoned, whether it is or not; or
- (b) appears to be worthless or useless or of no practical value whether it is or not; or
- (c) appears to be used up, in whole or in part, or expended or worn out in whole or in part; or
- (d) is industrial waste or domestic waste.

Article 3**GENERAL PROVISIONS****1.3.1 Land – drained – clean – clear – filled**

Every owner shall keep his or her grounds, yard or vacant land filled up, drained, clean or cleared up.

1.3.2 Waste – domestic – industrial – deposit – prohibited

No person shall cause or permit waste material, domestic or industrial waste to be deposited or remain on any land in the Municipality.

1.3.3 Dumping – storage – on private property – consent

No person shall throw, place, deposit or store waste material, domestic or industrial waste, refuse or debris on private property without the written authority of the owner of the property and, where the property is occupied by someone other than the owner, in addition to the owner, the written authority of the occupant.

1.3.4 Dumping – storage – on Municipal property – consent

No person shall throw, place or deposit waste material, industrial or domestic waste, refuse or domestic waste, refuse or debris on Municipal property without the written authority of the Municipality.

1.3.5 Sewage – drainage – sanitary disposal – responsibility

Every owner shall provide for the sanitary disposal of sewage and drainage from his or her land or buildings.

1.3.6 Land -- maintained -- free and clear -- all waste
 Except as provided in Sections 1.3.3 and 1.3.4 and 1.3.9, every owner shall keep his or her land free and clear of all waste material, garbage, refuse or domestic or industrial waste of any kind.

1.3.7 Land -- structure -- in Municipality -- waste disposal -- prohibited
 No person shall use any land or structure within the Municipality for dumping or disposing of waste material, garbage, refuse or domestic or industrial waste of any kind.

1.3.8 Exemptions -- dumping -- Municipal structures -- purpose
 Sections 1.3.6 and 1.3.7 do not apply to:

- (a) land or structures used by the Municipality for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste; or
- (b) land designated by by-law of the Municipality for the purpose of dumping or disposing of waste material, garbage or refuse, or domestic or industrial waste.

1.3.9 Garbage -- waste -- covered -- as prescribed
 Every owner shall cover over or enclose any garbage, refuse, domestic waste of any kind or industrial waste of any kind in such a manner as may be prescribed by the Inspector in writing.

1.3.10 Vehicle -- dismantled -- storage -- restricted
 Except as provided pursuant to any relevant licensing by-law in force from time to time in the Municipality, no person shall use any land or structure in the Municipality for storing used motor vehicles for the purposes of wrecking or dismantling them or salvaging part thereof for sale or other disposal.

1.3.11 Regulation -- inspection -- prohibition -- applicable
 This By-law applies to the regulation, inspection or prohibition of the matter referred to in this By-law and shall be applicable to all such matters whether or not the matter to be regulate, inspected or prohibited was in existence prior to the date of the enactment of the enabling by-law by Council.

Article 4 NOTICE

1.4.1 Service -- by Inspector -- requirements
 The Inspector may, by notice served personally or sent by registered post served on the owner, lessee or occupant of the land or structure, or the responsible person, require the owner, lessee or occupant or responsible person, within the time specified in the notice;

- (a) to clean, clear or remove from the land or structure waste material, garbage, refuse or domestic or industrial waste of any kind;
- (b) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;

1.4.2 Service -- on owner -- lessee -- last known address
 Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address, and in the case of a responsible person, the last known address for such person.

1.4.3 Service -- on occupant -- affected property
 Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.

1.4.4 Land – structure – identified

Every notice sent by the Inspector shall identify the land or structure.

Article 5**INSPECTION – LAND – STRUCTURE****1.5.1 Dumping – disposal – waste – determined**

The Inspector may inspect the use of any land or structure for the purpose of determining whether the land or structure is used for dumping or disposing of waste material, garbage, refuse, or domestic or industrial waste of any kind.

1.5.2 Vehicle – wrecking – salvaging – determined

The Inspector may inspect the use of any land or structure for the purpose of determining whether 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.

1.5.3 Compliance – with notice – determined

The Inspector may inspect the use of any land or structure for the purpose of determining whether the owner, lessee, occupant or responsible person has complied with any notice sent by the Inspector.

1.5.4 Obstruction – hindrance – prohibited

Every owner, lessee, occupant or responsible person shall permit the Inspector to inspect the land or structure for the purposes of Sections 1.5.1, 1.5.2 and 1.5.3.

Article 6**INSPECTOR – AUTHORITY****1.6.1 Failure to comply – remedy – by Inspector**

Where the owner, lessee, occupant or responsible person is in default of doing the matter or thing required to be done under this By-law, the Inspector may:

- (a) fill up, drain, clean or clear up the grounds, yard or vacant land;
- (b) remove refuse or debris;
- (c) provide for the sanitary disposal of sewage and drainage;
- (d) remove waste material, garbage, refuse or domestic or industrial waste;
- (e) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

1.6.2 Matters – things – removed – disposal – immediate

Where any of the matters or things are removed in accordance with Section 1.6.1, the matters or things may be immediately disposed of by the Inspector.

1.6.3 Expenses – recovery – by Municipality

The Municipality may recover the expense in doing a matter or thing referred to in Section 1.6.1 from the owner, lessee, occupant or responsible person directed or required to do it by action, or in like manner as municipal taxes.

1.6.4 Health – safety – protected – nuisance – prevented

Where, in the By-law, the Inspector has the power to prescribe a manner by which garbage, refuse, waste material, domestic or industrial waste (“regulated items”) be covered over or enclosed, the said power shall be exercised to ensure that the regulated items:

- (a) do not pose a health or safety hazard to the owner or members of the public; and

- (b) do not create any visual or other nuisance.

1.6.5 Storage – regulated items – enclosure – requirements
As the circumstances may require, the Inspector may require:

- (a) that any of the regulated items be kept or stored completely within a building or an enclosure (designed or suitable for such purpose);
- (b) that any land area utilized for the storage of such regulated items be completely enclosed by a fence constructed out of solid metal or wooden materials, or wire mesh, and that such fencing shall be of a height not greater than 12 feet; and
- (c) that in the case of keeping or storing regulated items in an enclosed area to which clause (b) of this Section applies, that the height of the regulated items within the relevant land area not exceed the top of the fence so required.

1.6.6 Compliance – time or – determination – considerations
Where, pursuant to this By-law, the Inspector specify a time within which an act, event or work shall be undertaken or done, the time so specified shall be determined by the Inspector having regard to:

- (a) the nature and extent of the work to be done; and
- (b) whether any issue of public health or safety is involved in the matter

1.6.7 Compliance – time for – determination – final
The determination by the Inspector as to what amount of time is appropriate shall be final.

1.6.8 Compliance – time for – determination – final
The notice or order may stipulate a time by which an act, even or work shall be completed or alternatively the time within which the act, even or work shall be commenced and require the same to be diligently and continuously pursued until completed; and, so there is no uncertainty, the Inspector may specify a time for the commencement of work and for the ultimate completion of the work.

1.6.9 Compliance – time for – extension
The Inspector may from time to time, in writing, extend the time for compliance, performance or completion of any matter specified in a notice or order.

1.6.10 Inspector – cause to be done
The Inspector may cause to be done any matter or thing that the Inspector has the power to do under Section 1.6.1 and 1.6.2.

Article 7
ENFORCEMENT

1.7.1 Fine – for contravention
Every person who contravenes any of the provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

READ a FIRST and SECOND time this 26 day of April 2000.

T.C. Sutcliffe
Reeve

[Signature]
Clerk

READ a THIRD time and passed this 26 day of April 2000

T.C. Sutcliffe
Reeve

[Signature]
Clerk