

**THE CORPORATION OF THE TOWNSHIP OF SCHREIBER
BYLAW 24-2023**

**BEING A BYLAW TO REGULATE THE MAINTENANCE OF LAND IN THE
TOWNSHIP OF SCHREIBER**

WHEREAS, Section 11(2)(6) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass bylaws respecting the health, safety and well-being of persons;

AND WHEREAS, Section 127 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may require the owner or occupant of property to clean and clear the property, not including buildings, or to clear refuse or debris from the property, not including buildings;

AND WHEREAS, Section 131 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate the use of any property 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 446 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that, where a municipality has the authority to 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;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCHREIBER ENACTS AS FOLLOWS:

1. SHORT TITLE

That this Bylaw may be cited as the "Land Maintenance Bylaw".

2. SCOPE OF THIS BYLAW

That this Bylaw shall apply to all land within the geographic boundaries of the Corporation of the Township of Schreiber, including residential, non-residential and vacant land.

3. DEFINITIONS

In this Bylaw,

- a) "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle under the jurisdiction of the Township, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- b) "Inoperative motor vehicle" means a motor vehicle or trailer which is not operative or which is not currently licensed pursuant to the provisions of the Highway Traffic Act and amendments thereto, and includes motor vehicles that are wrecked,

- discarded, dismantled or abandoned, or a motor vehicle which has had part or all of its superstructure or motor power removed;
- c) "Land" includes a yard or vacant lot;
 - d) "Motor vehicle" includes an automobile, motorcycle, snowmobile, and any other vehicle propelled or driven otherwise than by muscular power;
 - e) "Officer" means a bylaw enforcement officer for the Township or a police officer;
 - f) "Owner" means an owner, lessee or occupant of any land in the Township of Schreiber;
 - g) "Public land" means any land under the ownership, management or jurisdiction of the Township;
 - h) "Township" means the Corporation of the Township of Schreiber;
 - i) "vacant land" means a lot that does not have a structure situated on it and does not contain an established principal use;
 - j) "Waste material" includes refuse, garbage, debris, litter, domestic waste of any kind whatsoever and, without limiting the generality of the foregoing, includes:
 - (i) weighty or bulky items such as appliances or furniture;
 - (ii) discarded or unusable motor vehicles and vehicle parts;
 - (iii) broken concrete, patio stones, bricks or pallets;
 - (iv) unused building material or material resulting from construction or demolition;
 - (v) yard waste, brush, fallen trees or tree limbs and branches;
 - (vi) animal and human feces;
 - (vii) accumulations of unused tires;
 - (viii) unused lawnmowers, lawn tractors or similar mechanical devices and mechanical parts; and
 - k) "Yard" means any open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky.

4. MAINTENANCE OF LAND

- 4.1 Every owner of land shall keep the land clean and clear of waste material at all times.
- 4.2 Section 4.1 does not apply to work which is actively proceeding under a building permit issued by the Township.
- 4.3 No person shall place or store, or permit to be placed or stored, any objects or material of any kind whatsoever, on vacant land within areas of the Township that are zoned for residential purposes.

5. LITTERING AND DUMPING

- 5.1 No person shall throw, place, deposit or dump or permit or cause to be permitted, the throwing, placing, depositing or dumping of waste material on private land or public land.
- 5.2 Notwithstanding the above, nothing in this bylaw shall be deemed to interfere with the filling or raising of land with earth or rock fill or with the disposal of waste on any lands which have been designated for that purpose by Bylaw of the Township.

6. MAINTENANCE OF GRASS AND WEEDS

- 6.1 No person shall permit the growth of grass and/or weeds on private land to exceed 20 centimetres in height.

7. INOPERATIVE MOTOR VEHICLE STORAGE

- 7.1 No person shall permit the outdoor storage of any inoperative motor vehicle on private land that is zoned and used for residential purposes.
- 7.2 Notwithstanding the above, Section 7.1 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.

8. GRADING AND FILLING OF LAND

- 8.1 All lands shall be graded, filled up or otherwise drained so as to prevent recurrent pooling of stormwater.
- 8.2 No person shall permit or allow on property owned or occupied by such person any holes, pits, excavations or trenches constituting a health, fire or safety hazard.

9. ORDER TO COMPLY

- 9.1 Where the officer has reasonable grounds to believe that a contravention of this bylaw has occurred, the officer may make an order requiring the person who contravened this bylaw to do work to correct the contravention.
- 9.2 An order under section 9.1 of this bylaw shall set out:
 - a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
 - b) the work or remedial action required to be done and the date by which the work or remedial action must be done.
- 9.3 An order under section 9.1 of this bylaw may require work or remedial action to be done even though the facts which constitute the contravention of this bylaw were present before this bylaw came into force.
- 9.4 Any person who fails to comply with an order under section 9.1 of this bylaw is guilty of an offence.

10. INSPECTIONS

- 10.1 An officer may enter upon land and at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) this bylaw; or
 - b) an order made under this bylaw.

11. PENALTIES

Any person who contravenes a provision of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

12. REMEDIAL ACTION

- 12.1 If a person fails to do a matter or thing as directed or required by this Bylaw, including to comply with an order under this Bylaw, the Township may, in default of it being done by the person directed or required to do it, do the matter or thing at the person(s) expense. The Township 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 for the property and collecting them in the same manner as property taxes.
- 12.2 The costs outlined in section 12.1 of this Bylaw shall include any fees and charges imposed by the Township in accordance with this Bylaw, in relation to the matters identified in section 12.1.
- 12.3 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the Township shall register a discharge of the lien in the proper land registry office.

13. GENERAL PROVISIONS

- 13.1 In the event of any conflict between this Bylaw and any other bylaw of the Township, the more restrictive shall prevail unless the context requires otherwise
- 13.2 Should any provision of this Bylaw be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the Bylaw as a whole or any part thereof, other than the part which was declared to be invalid.
- 13.3 Bylaw 26-2020, and any amendments thereto, is hereby repealed.
- 13.4 This Bylaw shall come into force and take effect upon final passing thereof.

READ A FIRST AND SECOND TIME this 27th day of June 2023.

READ A THIRD TIME AND FINALLY PASSED this 27th day of June 2023.

(seal)

Mayor

Clerk