

The Corporation of the Township of North Kawartha

North Kawartha

By-law # 91 /11

A by-law to require owners and occupiers of land to clean and clear the land.

Whereas Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, 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 prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land.

And Whereas the Council of the Corporation of the Township of North Kawartha deems it necessary and expedient, and in the public interest to enact a by-law to prohibit litter of private or municipal property for all residential, seasonal, rural/agricultural, commercial and industrial uses;

And Whereas the Township of North Kawartha deems it necessary to regulate when and how the cleaning and clearing of land within the Township shall be done.

Now Therefore the Council of the Corporation of the Township of North Kawartha enacts as follows:

1. Definitions for the purpose of this By-law:
 - (a) "Commercial or 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.
 - (b) "Heavy pick-up wastes" means weighty or bulky articles such as furniture, bed springs, mattresses, barrels, boxes, water and fuel tanks (empty only), and any other discarded material which would normally accumulate at a dwelling.
 - (c) "Household wastes" means ashes, garbage, rubbish, discarded material, clothing, waste paper, broken crockery, glassware, and other such articles as would normally accumulate at a dwelling, but shall not include weighty or bulky articles such as stoves, mattresses, furniture, barrels, boxes, trees, discarded truck and automobile parts, tires or batteries, manufacturer's waste water and fuel tanks, liquid waste, straw, hay and manure, carcass of any dead or live bird, animal feces, natural soil, earth, sand, clay, gravel, stones or other excavated materials, and fence wire.
 - (d) "Municipal property" means any property under the jurisdiction of the Municipality.
 - (e) "Municipality" means the Corporation of the Township of North Kawartha.
 - (f) "Occupier" includes a lessee, tenant, mortgagee in possession or any other person in possession of any premises.
 - (g) "Officer" means a municipal by-law enforcement officer appointed by the Township of North Kawartha.
 - (h) "Order" means an order issued by an officer under subsection 6

- (i) "Owner" means the person identified in the most recent tax roll as the owner of any premises.
- (j) "Person" means a natural person, unincorporated association or organization, firm, partnership, private club, corporation, agent or trustee and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to the By-Law.
- (k) "Private property" means privately owned property zoned for residential, seasonal, rural/agricultural, commercial or industrial use.
- (l) "Premises" means any grounds, yard, parking lot, vacant land or other parcel of land, including Private Property, but does not include any buildings.
- (m) "Refuse or Debris" shall include sand, rock, gravel, liquids, domestic garbage, asphalt, concrete or pieces thereof or any commercial or industrial waste.
- (n) "Waste material" includes:
 - i. garbage, rubbish, discarded building materials, refuse or junk, boulders, trees or tree stumps;
 - ii. table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, old or decayed lumber;
 - iii. vehicle that appears by reason of its appearance, mechanical condition or lack of current licence plates to be inoperative;
 - iv. derelict, abandoned or inoperable machinery, mechanical equipment, automotive and mechanical parts, derelict or abandoned vessels, appliances, furnaces, heat or fuel tanks and furnishings, both household and commercial;
 - v. agricultural waste or sewage, or any liquid waste accumulated from home or place of business beyond what may be permitted by the Ministry of Agriculture and Ministry of Environment under the Nutrient Management Act;
 - vi. animal carcasses
- (j) "Wastes" shall mean any or all of the definitions of this section for the purposes of this By-law, including heavy pick-up wastes, household wastes, refuse or debris and waste material.

2. Offences

- 2.1 Where on any premises there is Waste material, Refuse or Debris, the owner or occupier of the premises shall remove the Waste material, Refuse or Debris so that the premises are left in a clean condition.
- 2.2 No owner shall allow or permit the creation, presence or existence of any Refuse or Debris, Waste material or Wastes in or upon any yards, vacant lots, grounds or buildings which such owner owns, rents, occupies or has an interest in, whether such interest is legal or equitable.
- 2.3 No person shall throw, place or deposit any Refuse or Debris, Waste material or Wastes on private property or on the property of the municipality or any local board thereof without authority from the owner or occupant of such property.

3. Removal

Where the property owner or municipal authorities are required to remove any Refuse or Debris, Waste material or Wastes deposited on their property, the full cost of such removal shall be recoverable from the person responsible or the property owner responsible for such littering or discarding.

4. Notice unauthorized dumping in municipal property containers

The municipality shall post notice that unauthorized dumping in a container or dumpster placed on municipal property is prohibited in accordance with this By-law.

5. Inspections

5.1 The By-law Enforcement Officer, or other person appointed for the purpose of enforcing this By-law may, at any reasonable time, enter upon any premises for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.

5.2 No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an officer or other person appointed for the purpose of enforcing this By-Law.

6. Order to Comply

6.1 Where an officer is satisfied that there has been a contravention of any provision of this by-law, the officer may issue an order requiring the owner or occupier of the premises on which the contravention has occurred to do work to correct the contravention.

6.2 An order shall set out,
(a) Reasonable particulars of the contravention;
(b) The location of the premises;
(c) The general nature of the work required to be done to correct the contravention; and
(d) The date by which the work must be done.

6.3 An order may be served by,
(a) Personally delivering it to the owner or occupier;
(b) Sending it by registered mail to the owner at the address of the owner shown on the last revised assessment roll for the premises or the last known address of the owner; or
(c) Sending it by registered mail to the occupier at the last known address of the occupier.

6.4 If the address of an occupier is unknown or the Municipality is unable to effect service on an owner or occupier in accordance with subsection 6.3, a placard setting out the terms of the order may be placed in a conspicuous place on or near the owner's or occupier's property.

6.5 Service of an order under this section shall be deemed to have been effected on the date that it is delivered personally, three days after it was mailed, or the date that it is posted on the property, as the case may be.

7. No person shall fail to comply with an order.

8. Remedial Action

8.1 Where an order has been issued and compliance has not been achieved by the date specified in the order, the Municipality may cause

the work set out in the order to be done.

8.2 The Municipality may recover the costs of doing any work undertaken pursuant to subsection 8.1, together with an administration charge of \$75.00, from the person required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

9. Other Legislation

If this By-law conflicts with the provisions of any Provincial Statute and/or By-law of the County of Peterborough, the provisions of that Provincial Statute and/or By-law prevail to the extent of the conflict.

10. Validity and Severability

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 of any other provisions of the By-law or of the By-law as a whole.

11. Penalty

Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty not exceeding \$5,000.00 Exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, shall apply to the said fine.

12. Short Title

This By-law shall be cited as the Clean and Clear By-law.

13. Repeal

By-law #11/05 is repealed

13. Force and Effect

This By-law shall come into full force and effect upon the day of final passage thereof.

Read a first time on the 4th day of October, 2011.

Read a second and third time and passed in open Council on the 4th day of October, 2011.

Jim Whelan, Reeve

Connie Parent, Clerk