

TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

BY-LAW NO. 2004 - 48

Being a By-Law to require and regulate the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots in the Township of Havelock-Belmont-Methuen.

**WHEREAS**, Section 127(a) to (b) of the Municipal Act, 2001, (S.O. 2001, c.25) as amended, provides that by-laws may be passed by the councils of local municipalities for requiring the owner or occupant to keep lands clear of refuse and debris;

**AND WHEREAS**, Section 127(b) of the Municipal Act, 2001, (S.O. 2001, c.25) as amended, provides that By-Laws may be passed by the councils of local municipalities to regulate when and how matters required under Section 127(a) shall be done;

**AND WHEREAS**, Section 127(c) of the Municipal Act, 2001, (S.O. 2001, c.25) as amended, provides that By-Laws may be passed by the councils of local municipalities to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

**AND WHEREAS** Section 127(d) of the Municipal Act, 2001, (S.O. 2001, c.25) as amended, provides that By-Laws may be passed by the councils of local municipalities to define “refuse” for the purpose of this section;

**AND WHEREAS** Section 131(1) of the Municipal Act 2001, (S.O. 2001, c.25) as amended, provides that By-Laws may be passed by the council of local municipalities 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 131(2) of the Municipal Act 2001, (S.O. 2001, c.25) as amended, provides that By-Laws may be passed by the council of local municipalities providing that a municipality may enter upon land and into structures at any reasonable time to determine if a by-law of the municipality under this section is being complied with;

**AND WHEREAS**, the Council of the Corporation of the Township of Havelock-Belmont-Methuen considers it desirable to pass such a by-law.

1. Definitions in this By-Law:

- (1) **“Building”** means a structure consisting of a wall, roof or any of them or a structural system serving the function thereof.
- (2) **“Built up Area”** shall mean an area with buildings on one or both sides of the road with 75 feet or less between them with a minimum of five buildings. Building in this definition means school, church, single family dwelling, commercial or industrial structure.
- (3) **“By-Law Enforcement Officer”** means a by-law enforcement officer appointed by By-Law of the Township of Havelock-Belmont-Methuen;
- (4) **“discarded motor vehicle”** means a vehicle which is unlicensed, and which is in disrepair, having missing parts, including tires, or damaged or missing glass or deteriorated or removed parts which prevent its mechanical function.
- (5) **“highway”** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, navigable waterway, including the area between the lateral property lines that is intended for the use of the general public;
- (6) **“land”** includes yards, or vacant lots or any part of a lot which is not beneath of a building;
- (7) **“Municipality”** means the Corporation of the Township of Havelock-Belmont-Methuen;
- (8) **“Owner”** when used in relation to property means:
  - (i) the assessed owner of the property
  - (ii) where the property is included in a description registered under the Condominium Act, the Board of Directors of the condominium corporation
  - (iii) a person authorized in writing by the owner as defined in Clause (i), or (ii) to act on the owner’s behalf.
- (9) **“Refuse”** includes waste, debris or garbage of any kind whatsoever and without limiting the generality the foregoing includes:
  - (i) accumulations, litter, remains, rubbish, trash;
  - (ii) discarded furnaces, furnace parts, pipes, pipe fittings;
  - (iii) discarded motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
  - (iv) garden refuse and trimmings;
  - (v) material from construction and demolition project;
  - (vi) paper, cardboard, clothing, crockery, glass, cans, containers;
  - (vii) refrigerators, freezers, stoves, or other appliances, and furniture;
  - (viii) discarded boats or part thereof.

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- (10) “Yard” means the land appurtenant to any building.
2. No person shall keep lands in a condition of which could create a fire or accident hazard.
3. No person shall throw, place, or deposit refuse on:
- (1) private property
  - (2) property of the Municipality or any Board thereof
- without authorization from the owner of such land.
4. No person shall use land for the storage of discarded motor vehicle(s) or parts thereof except in accordance with the following:
- (1) the vehicle and parts are stored in an enclosed building;  
or
  - (2) the vehicle and parts are fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair, in which case no more than one (1) such covered vehicle shall be permitted in a yard within a built up area.
  - (3) This section 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, provided the number of discarded motor vehicles stored on the property shall not exceed six (6) at any given time.
5. Every owner of land shall:
- (1) keep such land clean and clear of old decayed lumber, discarded machinery, garbage, refuse, rubble, ruins, waste or discarded material of any kind.
  - (2) fill up any excavation in or on the land.
  - (3) Ensure that no person shall use any land within the Municipality for dumping or disposing or storing or keeping of garbage, refuse or waste of any kind.
6. Every owner of land shall within (7) seven days after delivery of a notice in writing from the By-Law Enforcement Officer requiring such owner to do so, shall:
- (1) fill up any excavation in or on the premises;
  - (2) clean and clear the premises of any old decayed lumber, discarded machinery, discarded motor vehicle or any parts thereof, garbage, refuse, rubble, ruins, waste or discard material of any kind;
  - (3) For the purpose of this by-law “cleaned” includes the removal of weeds or grass more than 20 cm. (8 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located.
7. The Notice in Section 6 shall be delivered to the owner or mailed by prepaid registered first class mail to the address of the owner as shown on the last revised assessment roll and the sending of the above mentioned notice shall be deemed within the meaning of Section 6 of this By-Law. Every notice sent by the By-Law Enforcement Officer shall identify the land or structure.

In the event that the By-Law Enforcement Officer is unable to serve such notice under the provisions of the Section, the notice shall be posted in a conspicuous place on the property, and the placing of the notice shall be deemed to be sufficient service of the notice on the property owner.

8. (1) The By-Law Enforcement Officer may inspect the use of any land or structure for the purpose of determining whether;
- (a) The land is used for the dumping or disposing of garbage, refuse or waste of any kind.
  - (b) The land is used for the storing of used motor vehicles for the purposes of wrecking or dismantling them or salvaging parts thereof for one’s own use, sale or disposal;
  - (c) The owner and lessee or occupant has complied with any notice sent by the By-Law Enforcement Officer;
- (2) Every owner, lessee or occupant shall permit the By-Law Enforcement Officer to inspect land for the purpose of Sub-section (1).
9. (1) Where the owner and lessee or occupant is in default of doing the matter or thing required be done under this By-Law, the By-Law Enforcement Officer may:
- (a) fill up, drain, clean or clear up the grounds, yard or vacant lands;
  - (b) remove refuse or debris;
  - (c) remove garbage, refuse or waste;
  - (d) cover over, screen, shield or enclose refuse;
  - (e) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for one’s own use, sale or other disposal;
- (2) Where any of the matters or things are removed in accordance with Subsection (1), the matters or things may be immediately disposed of by the By-Law Enforcement Officer;

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- (3) Where every owner and lessee or occupant is in default on any of the provisions of this By-law, the Municipality or its servants or agents may carry out, or cause to be carried out, on behalf of the Municipality the work required to be done by this By-law at the expense of the property owner and the Municipality shall recover the expense incurred in doing it in a like manner as municipal taxes.
10. Every owner and lessee or occupant who contravenes any provisions of this By-Law is guilty of an offence and, upon conviction, is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars exclusive of costs recoverable under the Provincial Offences Act.
11. In the event of any conflict between this by-law and any other by-law of the Municipality, the more restrictive provision shall prevail unless the context requires otherwise.
12. That this By-Law shall come into force and effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this      day of                      2004.

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Reeve Ron Gerow

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Clerk Glenn Girven

June 18, 2004