



The Corporation of Norfolk County

By-Law 2021 - TBD

BEING A BY-LAW TO PROHIBIT REFUSE AND DEBRIS ON PRIVATE PROPERTY

WHEREAS the Municipal Act, S .O. 2001, C.25, Section 127 (a), as amended, provides that a municipality may pass by-laws respecting the cleaning and clearing of land, not including buildings ;

AND WHEREAS the Municipal Act, S .O. 2001, C .25, Section 127 (b), as amended, states that a local municipality may regulate when and how matters required under clause (a) shall be done ;

AND WHEREAS the Municipal Act, S .O. 2001, C .25, Section 127 (d), as amended states that a local municipality may define "refuse" for the purpose of this by-law ;

AND WHEREAS the Municipal Act, S .O. 2001, C .25, Section 427 (1), as amended provides a municipality with the authority to direct or require that a matter or thing be done and in default of it being done such matter or thing shall require that it be done at the person's expense;

AND WHEREAS the Municipal Act, S .O. 2001, C .25, Section 427 (2), as amended, provides that for the purposes of Section 427(1), the municipality may enter upon land at any reasonable time;

AND WHEREAS the Municipal Act, S .O. 2001, C .25, Section 427 (3), as amended, provides that the municipality may recover the costs of doing a thing or matter under Section 427(1) ;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, as amended, Section 170(15), provides that a police officer, police cadet, municipal law enforcement officer or an officer appointed for the carrying out of the provisions of this Act may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof are a lien upon the vehicle and may be enforced in the manner provided by the Repair and Storage Liens Act;

AND WHEREAS the Council of The Corporation of Norfolk County deems it necessary to prohibit the depositing of refuse and debris on private or municipal property;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF NORFOLK COUNTY HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1. This by-law shall be known as the "Lot Maintenance Bylaw".

2. DEFINITIONS

2.1 Debris - means refuse as defined within this by-law.

2.2 Invasive plants – means any non-native plant species as defined by the director of parks or their designate which, in their opinion is a detriment to neighbouring properties.

2.3 Long Grass- shall mean grass, weeds or organic growth of any kind exceeding 20 cm. in height or length, but for the purposes of this by-law, shall not include organic growth intended for horticultural, ornamental or agricultural purposes, or organic growth that is considered a native species which is documented as part of a prairie or savannah habitat.

2.4 Motor Vehicle - shall include an automobile, commercial motor vehicle, motorcycle, motor assisted bicycle, unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act .

2.5 Municipal Law Enforcement Officer - shall mean a person appointed by the Council of The Corporation of Norfolk County for the purposes of enforcing County by-laws and for the purposes of this by-law shall include the Ontario Provincial Police or any other police agency.

2.6 Notice - shall mean a notice as per Schedule `A' of this by-law.

2.7 Noxious Weeds - shall mean noxious weeds as defined by the Weed Control Act, R.S.O. 1990, as amended.

2.8 Owner - shall mean the person who owns the property and, for the purposes of this by-law, shall include any owner, occupant, tenant or lessee.

2.9 Person - shall include the owner as defined in Section 2 .6 of this by-law and may also include any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however constituted, joint venture, syndicate or any other legal entity, and includes all successors, assigns or other legal representatives of any such entities.

- 2.10 Property - shall mean any parcel of land or registered water lot located within a residential, commercial or institutional zone. Without limiting the generality of the foregoing, property shall mean lands and premises appurtenant to a building or structure but shall exclude any building or structure.

- 2.11 Refuse - shall include any unused or discarded material, thing or substance and, without limiting the generality of the foregoing, shall include debris, rubbish, junk, litter, discarded paper or paper products, unused or discarded materials of any kind, appliances, devices, apparatus, machinery, furniture, discarded clothing, construction materials, concrete, flagstone, gravel, asphalt, tires, unused motor vehicles or parts thereof, abandoned vehicles, inoperative motor vehicles, vehicles without validated licence plate stickers, vehicles without licence plates, objects or conditions that may create fire, health or safety hazard, dead animals, old or decayed lumber, decayed trees, discarded trees, parts of trees and leaves or discarded organic materials that are not part of a compost program.

- 2.12 Vehicle - shall include a motor vehicle, trailer, recreational vehicle, camper, all-terrain vehicle, mobile home, boat, watercraft, traction engine, farm tractor, road-building machine and a vehicle drawn, propelled or driven by any kind of power, including a motorized snow vehicle, or the cars of electric or steam railways running only upon rails.

3. GENERAL PROVISIONS

- 3.1 Every person shall keep their property in a clean condition, and without limiting the generality of the foregoing, shall keep the property free of refuse, debris, long grass, noxious weeds and invasive plants.

- 3.2 Every person shall keep their property free from objects or conditions that are likely to create a health, fire or safety hazard.

- 3.3 Every owner of land abutting a highway, street or municipal laneway shall ensure that the untraveled portion of said highway, street or laneway that abuts said owner's land is kept clear of any and all refuse, debris, long grass, noxious weeds, invasive plants, inoperative motor vehicles and unlicensed motor vehicles, and shall ensure that all turf grass areas on said untraveled portion of the highway are maintained in accordance with this bylaw.

4. ENFORCEMENT

- 4.1 This by-law shall be enforced by a Municipal Law Enforcement Officer.

- 4.2 A Municipal Law Enforcement Officer shall determine what shall constitute a health, fire or safety hazard.
- 4.3 Where any property is not maintained in compliance with the provisions of this by-law, a Municipal Law Enforcement Officer give Notice to the owner, in writing, directing that the Property be brought into compliance with the requirements of this by-law within a defined time period but such time period shall not be less than seventy-two (72) hours from date of notice, save and except that which constitutes a safety, health or fire hazard.
- 4.4 Notice shall be in the form of Schedule `A' to this by-law.
- 4.5 Said Notice shall be delivered to the last known address as shown on the last revised assessment rolls of the municipality.
- 4.6 In the case of a health, fire or safety hazard, a Municipal Law Enforcement Officer may compel that said hazard be removed forthwith without the notice as described in Section 4 .3.
- 4.7 A Municipal Law Enforcement Officer may enter upon land or property at any reasonable time for the purposes of inspection.

5. PENALTY

- 5.1 Every person who contravenes 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, R.S.O. 1990, as amended.
- 5.2 In addition to the foregoing penalty, failure to comply with the provisions of this by-law may result in the municipality undertaking to complete the work and any costs associated with the work shall be billed to the person responsible in a like manner as taxes.
- 5.3 In addition to the foregoing penalties, where a vehicle has been removed, impounded, restrained or immobilized according to Section 170(15) of the Highway Traffic Act, R.S.O. 1990, as amended, in violation of this bylaw, all costs associated with the removal, impoundment, restraining or immobilization will be the responsibility of the registered owner of the vehicle.

6. SEVERABILITY

- 6.1 If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered to be severed from the balance of the by-law, which will continue to remain in effect.

7. REPEAL

7.1 That Norfolk County Bylaw 2005-127 is hereby repealed save and except that bylaw 2005-127 will continue in full force and effect with respect to all notices, orders, proceedings and things done on or before the date of enactment of this by-law.

8. EFFECTIVE DATE

8.1 The effective date of this By-law shall be the date of passage thereof.

ENACTED AND PASSED this (DAY) day of (MONTH) 2021.

Mayor

Clerk