

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK
COUNTY OF OXFORD
BY-LAW # 49-90**

BEING a by-law to provide for maintaining land in a clean and clear condition.

WHEREAS Section 210 of the Municipal Act, R.S.O. 1980, Chapter. 302, provides as follows:

210. 74. For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.

76. For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property.

129. For prohibiting, or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

a) A by-law under this paragraph:

- i) May establish a schedule of fees chargeable upon inspection of such regulated land or structures;
- ii) May require the owners, lessees or occupants of such land or structures, at the expense of owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were used before the passing of the by-law;
- iii) May define industrial or domestic waste.

130. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

NOW THEREFORE the Council of the Township of East Zorra Tavistock
ENACTS AS FOLLOWS:

1. In this by-law

- a) "By-Law Enforcement Officer" means the By-Law Enforcement Officer of the Township of East Zorra Tavistock or his representative;
- b) "Township" means the Corporation of the Township of East Zorra Tavistock;
- c) "County" means the Corporation of the County of Oxford;
- d) "Domestic Waste" means any article, thing, matter or any effluent belonging to or associate 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 terms of this clause, it is hereby declared that domestic waste extends to the following classes of waste material:
 - i. Accumulations, deposits, leavings, litter, remains, rubbish, trash;
 - ii. Refrigerators, freezers or other appliance, any attached hinges or latching, locking or other closing mechanism or device;
 - iii. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks.
- e) "Owner" means an owner, lessee or occupant of property grounds or yard in the Township of East Zorra Tavistock;
- f) "Waste Material" means material or effluent that, in the opinion of the By-Law Enforcement Officer:
 - i. Appears to have been cast aside or discarded or abandoned; or,
 - ii. Appears to be worthless or useless or of no practical value; or,
 - iii. Appears to be used up, in whole or in part, or expended or worn out in whole or in part.
- g) "Yard, Front" (Front Yard) means that portion of a lot extending across the full width of the lot between the front lot line and the nearest main front wall of any building or structure of the lot;

- h) "Yard, Rear" (Rear Yard) means that portion of a lot extending from the front yard to the rear yard between the side lot line and the nearest main side wall of any building or structure on the lot;
 - i) "Yard" is the land appurtenant to the property.
- 2. (1) Every owner, lessee or occupant shall keep his grounds, yard, or vacant land clean and cleared up.
 - (2) Every yard shall be kept clean and free from rubbish or other debris and from objects including fences or condition that may create a health, fire or accident hazard.
 - (3) Heavy undergrowth and noxious plants, including ragweed, poison ivy, poison oak, and poison sumac shall be eliminated from every yard. Hedges shall be kept trimmed and made to comply with any By-Law of the Township in effect from time to time.
 - (4) For the purpose of this section, "clean or cleared up" includes the removal of weeds or grass more than 20 centimeters (8 inches) in height.
- 3. (1) No person shall throw, place or deposit refuse or debris on private property without the written authority of the owner or occupant of the property.
 - (2) No person shall throw, place or deposit refuse or debris on the Township property or County property without the written authority of the Township or County and where such property is occupied by a person other than the owner, with the written authority of the occupant.
- 4. (1) Except as provided in Section 3, every owner, lessee or occupant shall keep his land free and clear of all garbage, refuse, domestic waste, industrial waste and waste material.
 - (2) No person shall use any land or structure within the Township for dumping or disposing of garbage, refuse domestic waste, industrial waste, and waste material.
 - (3) Subsections 1 and 2 do not apply to:
 - a. Land or structures used by the Township or the County used for the purpose of dumping or disposing of garbage or refuse;
 - b. Land designated by By-Law of the Township or County for the purpose of dumping or disposing of garbage or refuse.

5. No yard shall be used for the parking or storage of:
 - a) A motor vehicle which is not operative or which is no currently licensed pursuant to the provisions of the Highway Traffic Act or amendments thereto for the Province of Ontario, or
 - b) A motor vehicle which has had part or all of its superstructure or source of motive power removed.

Notwithstanding the above, this section shall not apply to those properties commonly known as automobile wrecking yards and which operate such business under the provision of the applicable regulations of the Township of East Zorra Tavistock.

6. (1) The By-Law Enforcement Officer, by notice sent by registered post served on the owner, lessee, or occupant of the land or structure, may require an owner, lessee or occupant within the time specified in the notice:
 - a) To clean, clear or remove from the land or structure 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
 - (2) Every notice sent by the By-Law Enforcement Officer shall identify the land.
 - (3) 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.
 - (4) Every notice sent to an occupant shall be to the address of the land or to the last known address of the occupant.
7. (1) The By-Law Enforcement Officer may inspect the use of any land for the purpose of determining whether:
 - a) The land is sued for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind;
 - b) The owner, 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 the land for the purpose of subsection 1.
8. (1) Where any owner, lessee or occupant is in default of doing any matter or thing required to be done under this By-Law, By-Law Enforcement Officer may:
- a) Clean or clear up the grounds, yard or vacant land;
 - b) Remove refuse or debris; or,
 - c) Remove garbage, refuse or domestic or industrial waste.
- (2) Where any matters or things re removed in accordance with subsection 1, the matters or things may be immediately disposed of the By-Law Enforcement Officer.
- (3) The Township may recover the expense of doing a matter or thing referred to in subsection 1 by action or in like manner as municipal taxes.
9. Every person who contravenes any provision of this By-Law is guilty of an offence and liable to a fine upon conviction of not more than \$2,000.00 exclusive of costs.
10. The short title of this By-Law is "The Clear Yard By-Law".

READ A FIRST AND SECOND TIME THIS 15TH DAY OF AUGUST 1990.

READ A THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF AUGUST 1990.