



**BY-LAW NUMBER 94-2008
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to require the owner of land to clean and clear the land.

WHEREAS section 10 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended (the “Act”) authorises a municipality to provide services necessary or desirable to the public and to pass by-laws respecting matters including such services, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 127 of the Act provides that a municipality may regulate when and how an owner or occupant of land may be required to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

AND WHEREAS section 128 of the Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS section 131 of the Act authorizes a municipality 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 425 of the Act allows a municipality to pass by-laws providing that any person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS 436 of the Act provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law passed under the Act and/or a direction or order of the municipality made under the Act or a by-law passed under the Act;

AND WHEREAS section 445 of the Act authorizes that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this or any other Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

AND WHEREAS section 446 of the Act provides that, if a municipality has the authority under the Act to do or require a person to do a matter or thing, the municipality may also, in the event of a default on the person required to do the matter or thing, cause the matter or thing to be done at the person's expense.

NOW THEREFORE the Council of The Corporation of the City of Stratford enacts as follows:

1.0 Definitions

For the purposes of this By-law, the following definitions shall apply:

“Chief Building Official” means the person appointed as the Chief Building Official by the City, or his or her designate, and has the same powers as an Officer.

“City” means The Corporation of the City of Stratford.

“Compost” means the natural decomposition, in a composter, heap or digester, of organic material to produce humus, and is comprised of the following materials only: leaves, grass, shrub and hedge clippings, house and garden plants, branches, all fruits and vegetable matter, coffee grounds and filters, tea bags, egg shells, pasta and bread.

“Good Repair” means not unsightly by reason of deterioration, neglect, damage or defacement and free from injury or accident hazard or health hazard.

“Highway Traffic Act” means the *Highway Traffic Act* R.S.O, 1990, c.H.8, as amended.

“Inoperative motor vehicle” means a motor vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevents its mechanical function, and includes any vehicle that does not display a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the Highway Traffic Act, or as issued by another provincial, state or national government.

“Land” includes any part of a yard or lot.

“Landscaped Area” means a deliberately implemented garden which may include perennials, annual flowers, shrubs, grasses and structures such as rock, retaining walls etc.

“Motor vehicle” means a motor vehicle as defined in the *Highway Traffic Act* R.S.O, 1990, c.H.8, as amended.

“Natural Area” means any growth which forms part of a natural garden that has been deliberately implemented, or exists naturally to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed or natural landscape, other than a turf grass area or landscaped area.

“Officer” means a municipal law enforcement officer, inspector or other person appointed or employed by the City to enforce by-laws, statues and/or regulations.

“Owner” includes:

- a) The registered or beneficial owner;
- b) The person for the time being managing or receiving the rent for the land and premises in connection with which the word is used, whether on the person's own account or as an agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- c) A lessee or occupant of the land.

“Refuse” includes:

- a) debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business, and, without limiting the generality of the foregoing, includes all of the items in the definition of waste;
- b) other unused or unusable material that, by reason of its state, condition or excessive accumulation:
 - i) appears to have been cast aside, discarded or abandoned;
 - ii) appears to be worthless, useless or of no particular value; or
 - iii) appears to be used up, expended or worn out in whole or in part.

“Trailer” means a trailer as defined in the Highway Traffic Act, and includes a tent-trailer or a travel-trailer.

“Turf Grass” means desirable turf grass species such as blue grass, fescues, perennial ryegrass and tall fescues, ryegrasses and bent grasses.

“Waste” means garbage, special collection materials, recyclable materials, organic materials, yard waste and prohibited waste, as set out in Schedule “A”, attached to and forming a part of this by-law.

“Weeds” means all noxious and local weeds designated as such under the *Weed Control Act* R.S.O. 1990, c.W.5.

“Zoning By-law” means the City’s Zoning By-law 201-2000, as amended or superseded from time to time.

2.0 General Prohibitions

- a) No person shall throw, place, dump, deposit or permit to be thrown, placed dumped or deposited any refuse on any land, not including buildings, within the City, including in ponds, rivers and watercourses, without the consent of the owner or occupant of the property.
- b) No person shall throw, place, dump, deposit or permit to be thrown, placed dumped or deposited any quantity of waste on any highway or lands within the City, including in ponds, rivers and watercourses, except as permitted or required by By-law 53-97, being the Waste Management and Collection By-law, as amended or superseded from time to time.
- c) Every owner shall keep their land free of refuse and the owner of land on which refuse has been thrown, placed, dumped or deposited shall immediately clean and clear the refuse from the land.
- d) Every owner shall maintain their hedges and trees in accordance with By-law 128-2003, being the Fence and Hedge By-law, as amended or superseded from time to time, and By-law 141-2002, being the Property Standards By-law, as amended or superseded from time to time.
- e) No person shall use any land in the City for storing inoperative motor vehicles.
- f) No person shall store waste and/or compost on land except in accordance with By-laws 53-97 being the Waste Management and Collection By-Law, as amended or superseded from time to time and By-law 141-2002 being the Property Standards By-law, as amended or superseded from time to time.
- g) No person shall erect and maintain an accessory structure except in accordance with the zoning by-law.
- h) Every owner shall maintain their natural area or landscaped area in a state of good repair, free from weeds.
- i) The owner of land on which a trailer is stored shall store the trailer in a manner so as to not create a health or safety problem.
- j) No owner shall allow turf grass and weeds to grow more than twenty centimetres (8 inches) in height.

3.0 Exceptions

- a) Nothing in this by-law applies to prevent:
 - a lawfully licensed premises operating within the scope of a licence that specifically permits that which is prohibited by this by-law;
 - i. construction proceeding under a valid building permit;
 - ii. the lawful outside storage of materials or things if this use is permitted under the zoning by-law and the use is in compliance with the zoning by-law, or the use is permitted as a legal non-conforming use under subsection 34(9) of the *Planning*

Act, R.S.O 1990, c.P.13; or

- iii. the use of the land by the owner or occupant for the repair of a motor vehicle for his or her own use and not for commercial purposes

provided that the placement and storage of any materials or articles used in relation to these exceptions does not create an unsightly or unsafe condition.

- b) This by-law shall not affect the application and enforcement of the *Weed Control Act* R.S.O. 1990, c.W.5, with respect to weeds growing on land, including in a natural area or a landscaped area.

4.0 Administration and Inspections

- a) This by-law shall be administered by the Chief Building Official.
- b) For purposes of carrying out an inspection, an officer may enter on land, excluding buildings, at any reasonable time to determine compliance with this by-law and/or a work order made under section 5.0(a).
- c) No person shall hinder or obstruct, or attempt to hinder or obstruct, any officer who is exercising a power or performing a duty under this by-law.
- d) For the purposes of conducting an inspection, the Chief Building Official or an officer may;
 - i. require the production for inspection of documents or things relevant to the inspection;
 - ii. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iii. require information from any person concerning a matter related to the inspection; and
 - iv. alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- e) Every person shall assist any entry, inspection, examination, testing or inquiry by the Chief Building Official or an officer in the exercise of a power or performance of a duty under this by-law.

5.0 Orders

- a) An officer may make a work order, requiring that the person who contravened this by-law, or who caused or permitted the contravention, do work to correct the contravention.
- b) The work order shall set out:
 - i. particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - ii. the work to be done and the date by which the work must be done.
- c) A work order may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force.
- d) Where any person fails to comply with a work order of an officer within the prescribed period of time, the officer may cause the required work to be done at the person's expense.

- e) For the purposes of causing work to be done in accordance with section 5.0(d), the Chief Building Official or an officer may enter upon land at any reasonable time.
- f) The municipality may recover the costs of doing a matter or thing under section 5.0(d) from the person directed or required to do it by legal action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- g) The order shall be served on such persons affected thereby as the officer determines and shall be sent by registered or regular mail to the last know address or shall be posted on the land or shall be personally delivered.

6.0 Enforcement

- a) Every person who contravenes any of the provisions of, or who fails to comply with an order, direction or other requirement made under, this by-law, is guilty of an offence and upon conviction is liable to a penalty subject to the provisions of the *Provincial Offences Act* and every such penalty shall be recoverable pursuant to the said Act.
- b) If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

7.0 Severability

- a) 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 operate in full force.

8.0 Title

This by-law may be referred to as the “**Lot Maintenance By-law**”.

9.0 Enactment

This by-law shall come into effect immediately upon final passage.

Read a FIRST, SECOND, and THIRD time and

FINALLY PASSED this 28th day of July, 2008

 “Daniel B. Mathieson”
 Mayor – Daniel B. Mathieson

 “Joan Thomson”
 Clerk – Joan Thomson

SCHEDULE "A"
to
By-law 94-2008

- a) grass clippings, weeds, tree and garden cuttings, brush, leaves and garden waste;
- b) paper, cardboard, clothing;
- c) all organic waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container;
- d) cans, glass, plastic containers, dishes;
- e) new or used material resulting from or once used for the purpose of the construction, alteration, repair, or demolition of any building or structure;
- f) refrigerators, freezers, stoves or any other appliance or furniture;
- g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- h) inoperable/unlicensed motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment, trailers;
- i) fill or fencing materials;
- j) standing water , concrete , bricks, asphalt, patio or sidewalk slabs;
- k) piping, tubing, conduits, cable, fittings or other accessories, or adjunct to the piping, tubing, conduits or cable;
- l) containers of any size, type or composition
- m) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- n) articles, things, matter or effluent or any part thereof derived from or made or consisting of: agricultural, animal, vegetable, paper, lumber or wood products or mineral, metal or chemical products, lubricants, oils or hydrocarbons whether or not the products are used, manufactured or otherwise processed;
- o) bones, feathers, hides;
- p) paper, cardboard, packaging or wrapping.
- q) any swimming pool that does not comply with the City's Fence and Hedge By-law 128-2003 as amended or superseded from time and time.