

CORPORATION OF THE
TOWNSHIP OF SOUTH-WEST OXFORD



BY-LAW NO. 18-2015

**BEING A BY-LAW TO REPEAL BY-LAW NO. 49-2011
AND A BY-LAW TO PROVIDE FOR
YARD AND LOT MAINTENANCE**

AND WHEREAS Section 11 of the *Municipal Act, S.O. 2001, C.25*, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction; and in particular paragraphs 5, 6 and 8 of subsection 11(2) authorize by-laws respecting economic, social, and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property, including consumer protection;

WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may require the owner or occupant of property to clean and clear the property, not including buildings, or to clear refuse or debris from the property, not including buildings;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may regulate when and how matters required under the by-law shall be done;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit the depositing of refuse or debris on property without the consent of the owner or occupant of the property;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may define "refuse" for the purpose of the by-law;

AND WHEREAS Section 128 of the *Municipal Act, 2001, S.O. 2001, C.25*, 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 it is the opinion of Council that the failure to clear refuse and debris from property is a public nuisance, including the spread of vermin;

AND WHEREAS Section 446(1) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may direct or require a person to clear the property of refuse, the municipality may also provide that, in default of it being done by the person directed or required to do it, the cleaning and clearing of property shall be done at the person's expense;

AND WHEREAS Section 446(2) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may enter upon property at any reasonable time;

AND WHEREAS Section 446(3) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may recover the costs of clearing the property from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Section 391 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS the *Police Services Act*, R.S.O. 1990, c. P.15, s. 15, authorizes the municipality to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH-WEST OXFORD ENACTS AS FOLLOWS:

**Part 1
DEFINITIONS**

1.1 For the purpose of this By-Law, the definitions of this Section apply:

“Agricultural Purposes” shall mean the property used for cultivating soil, producing crops and for the raising of livestock as an “agricultural operation” as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, but does not include the portion of property used as a woodlot.

“Art Mural” is a mural depicting a scene or theme for a designated surface and location that has been approved including by the property owner and deliberately implemented for the purposes of beautifying the specific location.

“Border” shall mean the cleared property between the side and/or rear property line and a naturalized area or wildflower meadow.

“Buffer Strip” shall mean a border of a minimum of 0.9 m wide that delineates a wild flower meadow or naturalized area.

“Building” for the purposes of graffiti removal includes but is not limited to a building, structure, erection, object, fence, sign, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container.

“Cleared” includes the removal of weeds or grass more than 20 centimetres (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 and includes where on any property there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes, the draining, the treatment and/or the disposing of the water.

“Domestic Waste” shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table 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) can, glass, plastic container, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) unlicensed motor vehicle, inoperative motor vehicle, parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) rubble, insert fill, fencing materials.

“Enforcement Officer” shall mean a by-law enforcement officer of the Township of South-West Oxford, or their designate.

“Graffiti” includes one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a building, howsoever made or otherwise affixed or applied on the structure or thing, but, for greater certainty, does not include an

Art Mural.

“Industrial Waste” shall mean any article, thing, matter or 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 and includes but is not limited to the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) container of any size, type or composition;
- (c) rubble, insert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of:
 - (i) agricultural, animal, vegetable, paper, lumber or wood products; or
 - (ii) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (f) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects.
- (i) unlicensed motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment.

“Inoperative Motor Vehicle” shall mean a licensed or unlicensed vehicle, having missing, damaged, deteriorated or removed parts including, but not limited to: wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

“Property” includes yards, vacant lots or any part of a lot which is not beneath building and for the purpose of this By-law includes unenclosed decks, unenclosed porches, unenclosed carports and unenclosed garages accessory to a residential use.

“Naturalized Area” means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of native species or other species to emulate a natural area.

“Owner” includes lessee and occupant of the property.

“Perennial Gardens” means an area deliberately implemented to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a wildflower meadow or a naturalized area.

“Refuse” means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste; and that domestic waste and/or industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.

“Rubble” includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs.

“Sidewalk” shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside a roadway.

“Snow” includes ice and slush

“**Township**” shall mean The Corporation of the Township of South-West Oxford.

“**Unlicensed**” shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*, displayed on the motor vehicle;

“**Unlicensed motor vehicle**” shall mean a motor vehicle that is unlicensed

“**Wildflower meadow**” means a specialized habitat within a naturalized area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) in order to prevent the growth and establishment of woody shrubs and trees.

“**Woodlot**” shall mean an area of trees in excess of 0.2 hectares.

Part 2 GENERAL PROVISIONS

2.1 Administration – by the By-law Enforcement Officer

This by-law is administered by the By-law Enforcement Officer of The Corporation of the Township of South-West Oxford or an agent of the By-law Enforcement Officer.

2.2 Property – filled up – drained - owner responsibility

Every owner shall keep his property filled up and drained.

2.3 Excavations – filled – exception – enclosed by barrier

Every owner shall fill in any excavation on the property unless it is enclosed completely by a temporary barrier at least 122 centimetres (48 inches) in height.

2.4 Water – exceeding 30 cm – drained – exception

Every owner shall drain property of accumulations of water that exceed 30 centimetres (12 inches) in depth unless it is completely enclosed by a temporary barrier of at least 122 centimetres (48 inches) in height or such water constitutes a storm water management pond approved by the Township.

2.5 Property – clean – cleared – free of refuse

Every owner shall keep his property cleaned, cleared and free of refuse.

2.6 Dumping – prohibited – without lawful authority

No person shall throw, place, dump or deposit snow, domestic or industrial waste on private property or Township property without lawful authority.

2.7 Swimming Pool – maintained

Every owner shall keep or maintain the water in a swimming pool in a condition which is not a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.

2.8 Property – removal of refuse

Every owner shall remove refuse from his property.

2.9 Refuse – containment and location

Every owner shall ensure that all refuse which accumulated on their property and when not placed out for collection is:

(a) in containers:

- i. made of rigid, watertight construction;
- ii. provided with a tight fitting cover, which may be removed only when the container is empty or is being actively loaded;
- iii. maintained in good condition without holes or spillage;
- iv. closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
- v. located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner.

(b) Not permitted to accumulate longer than 14 days.

2.10 Graffiti removal

Every owner shall clean the exterior of any building, structure, erection or object on their property to remove graffiti.

**Part 3
GENERAL PROHIBITIONS**

3.1 Refuse – not cleared – from property – prohibited

No person shall, within the Township of South-West Oxford, fail to clear property of refuse.

3.2 Excavation – failure to enclose – prohibited

No person shall, within the Township of South-West Oxford, fail to enclose an excavation with a temporary barrier at least 122 centimetres (48 inches) in height.

3.3 Water – 30 cm deep – failure to drain – prohibited

No person shall, within the Township of South-West Oxford, fail to drain an accumulation of water exceeding 30 centimeters (12 inches) in depth.

3.4 Private Property – refuse – deposit on

No person shall, within the Township of South-West Oxford, deposit refuse on private property without lawful authority.

3.5 Township Property – refuse – deposit on

No person shall, within the Township of South-West Oxford, deposit refuse on municipal property without lawful authority.

3.6 Water in Swimming Pool – fail to maintain

No person shall fail to keep or maintain the water in a swimming pool in accordance with the provisions of this by-law.

3.7 Private Property – clear buffer strip

No person shall, in the Township of South-West Oxford, fail to clear a buffer strip.

3.8 No Obstruction of Officer

No person shall obstruct, hinder or in any way interfere with any Municipal Law Enforcement Officer in the enforcement of the provisions of this by-law.

3.9 Contravention of Order

No person shall contravene a Work Order or an Order to Discontinue Activity.

3.10 Refuse – containment and location

No person shall fail to contain refuse or locate refuse containers in accordance with the provisions of this by-law

3.11 Graffiti – removal

No person shall fail to remove graffiti from buildings, structures, erections or objects on the property in accordance with this by-law.

3.12 Snow – deposit on sidewalk

No person shall deposit, or cause to be deposited, snow or ice upon a sidewalk.

3.13 Unsafe Standing Water

Where the circumstances of section 2.4 and or 2.7, as applicable, exist, but where any part of the standing water in question is unsafe standing water, section 3.14 applies.

3.14 Immediate Action

In circumstances of section 3.13, a Municipal Law Enforcement Officer is specifically authorized to take immediate steps, or to cause immediate steps to be taken, to eliminate the danger associated with the unsafe standing water.

3.15 Limited Authorization

The authorization provided by section 3.14 of this By-Law is limited only to such steps as are required to remove the danger.

**Part 4
EXEMPTIONS**

4.1 Excavations – construction – exemption

Section 2.3 of this by-law does not apply to property on which construction is proceeding under a valid building permit.

4.2 Swimming Pools – natural bodies of water – exemption

Section 2.4 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.

4.3 Outdoor Storage – lawful – exemption

Sections 2.5, 2.6 and 2.9 of this by-law shall not apply to property which is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing by-laws and regulations.

4.4 County – dumping – disposal facilities – exemption

Sections 2.5 and 2.6 of this by-law shall not apply to property or structures designated by or operated by the County of Oxford for the purpose of dumping or disposing domestic or industrial waste.

4.5 Agricultural Properties – exemption

This by-law does not apply to any properties used for agricultural purposes.

4.6 Perennial Gardens – exemption

This by-law does not apply to perennial gardens, provided that the perennial gardens are managed in accordance with the Weed Control Act R.S.O. 1990, Chapter W.5, and provided that there is no waste.

4.7 Wildflower Meadow – exemption

This by-law does not apply to a wildflower meadow or a naturalized area provided that those areas are managed in accordance with the Weed Control Act R.S.O. 1991 Chapter W.5, provided that there is no waste and provided that they do not encroach within the buffer strip.

4.8 Containment and location – exemption

Section 2.9 of this by-law does not apply to property undergoing active construction under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control Area By-law has been obtained that includes containment and location of garbage.

**Part 5
ENFORCEMENT**

5.1 Fine – for contravention

Any person who contravenes any provision of this by-law is, upon conviction, is guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

5.2 Continuation – repetition – prohibited – by order

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 and such order shall be in addition to any other penalty imposed on the person convicted.

5.3 Default – not remedied – fee

Where anything required or directed to be done in accordance with this by-law is

not done, the By-law Enforcement Officer or persons designated by the By-law Enforcement Officer for The Corporation of the Township of South-West Oxford, may upon such notice as he deems suitable, do such thing at the expense of the person required to do it and, in so doing, may charge an administration fee of 15% of such expense with a minimum fee of \$110.00; and both the expense and fee may be recovered by action or in like manner as municipal taxes.

5.4 Removal

Where any of the matters or things are removed in accordance with section 5.3 of this by-law the matters or things may be immediately disposed of by the By-law Enforcement Officer, or their designate.

5.5 Officer – entry to inspect

A By-law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter onto property for the purposes of an inspection of the property.

5.6 Township – bring property to compliance

Where it becomes necessary to proceed pursuant to section 5.3 of this by-law, a By-law Enforcement Officer may enter onto the property with any person and the appropriate equipment as required to bring the property into compliance with this by-law.

5.7 Work Order – contravention of by-law

If the by-law enforcement officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order (Schedule “A”), requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to do the work to correct the contravention.

5.8 Work Order - contents

The Work Order shall set out:

- (a) the municipal address or the legal description of the property;
- (b) reasonable particulars of the contravention and of the work to be done;
- (c) a deadline, being a specific date, for compliance with the Work Order; and
- (d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner’s tax roll.

5.9 Work Order – service

The Work Order may be delivered by any one or more of the following methods:

- (a) personal delivery to the person to whom it is addressed;
- (b) personal or couriered delivery to either an adult person, or to the mailbox, of the residential address of the addressee;
- (c) delivery by registered or certified mail;
- (d) delivery by facsimile transmission; or
- (e) posted in a weather-resistant fashion in a conspicuous location at the site which is the subject matter of the notice.

5.10 Deemed Delivery

- (a) Where a notice is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.
- (b) Where a notice is personally delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.
- (c) Where a notice is delivered by registered or certified mail, it is deemed to have been delivered on the fifth business day after the day of mailing.

- (d) Where a notice is delivered by facsimile, it is considered to have been delivered on the next business day following the date showing on the proof of transmission document.
- (e) Where a notice is posted on occupied property in accordance with section 5.9 (e), it is considered to have been delivered the next business day following the date it is posted.
- (f) Where a notice is posted on unoccupied property in accordance with Section 5.9 (e), it is considered to have been delivered five (5) days after the date it is posted.

5.10 Conflict and Severability

(1) In the event of any conflict between any provision set forth in this by-law and any other Township ordinance, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.

(2) If any section or portion thereof shall be declared by a court of competent jurisdictions to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect.

Part 6 REPEAL – ENACTMENT

6.1 By-law – Previous

That By-law 49-2011 is hereby repealed in its entirety.

6.2 Effective Date

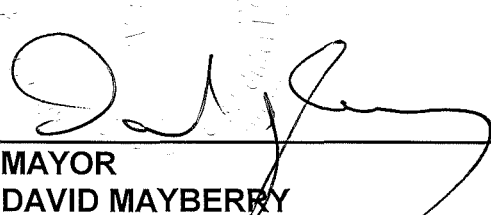
This by-law comes into force on the day it is passed.

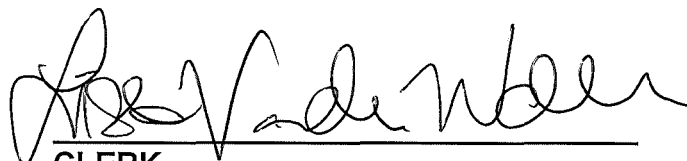
6.3 Short Title

The short title of this by-law shall be the “Yard and Lot Maintenance By-law”.

READ A FIRST AND SECOND TIME THIS 7th day of APRIL, 2015.

READ A THIRD TIME AND FINALLY PASSED TIME THIS 7th day of APRIL, 2015.


MAYOR
DAVID MAYBERRY


CLERK
LISA VANDERWALLEN

TOWNSHIP OF SOUTH-WEST OXFORD
BY-LAW NO. 18-2015
SCHEDULE "A"



WORK ORDER – Contravention of the By-Law

Pursuant to Subsection 3.9 of the Township of South-West Oxford Clearing of Property By-law 18-2015.

Date issued:

File No.:

Address to which order applies:

Order issued to: Owner Name
Street address
City, Province
Postal Code

A contravention of Part 2 (2.?) of the Township of South-West Oxford Yard and Lot Maintenance By-law 18-2015 is found to exist at the above noted address:

Insert here: Items in contravention

- **2.5 Property – clean – cleared – free of refuse**
Every owner shall keep his property clean, cleared and free of refuse

Refuse includes but is not limited to:

Insert here: the type of refuse that is on the property (ie. Grass and weeds)

This removal will include the cutting of grass/weeds exceeding 20cm (8 inches in height if applicable).

You are hereby ordered, under Subsection 3.1 of the Township of South-West Oxford Yard and Lot Maintenance By-law 18-2015 to bring this property into compliance on or before: *Insert here: compliance date (typically 2 weeks from order date).*

Failure to comply, the Corporation of the Township of South-West Oxford (or designate) will cause the property to be brought into compliance in accordance with Part 5 (Sections 5.3 and 5.4) of By-law 18-2015 of the Township of South-West Oxford. The Township may recover the costs incurred by it in doing the work or causing it to be done from the person directed or 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.

Should violations to By-law 18-2015 occur at this address in the next 12 months, you as the assessed property owner will receive no further notice prior to enforcement action being taken.

By-law Enforcement inspections where required as a result of a failure to remedy a by-law violation by the date of compliance as set out in a written notice/order are subject to a re-inspection fee of \$95.00. This fee will be levied following the re-inspection and is subject to HST.

Order issued by:

By-law Enforcement Officer
Township of South-West Oxford