

**THE CORPORATION OF
THE TOWNSHIP OF SOUTH-WEST OXFORD**

By-Law No. **34-01**

A By-Law to provide for the
**Filling Up, Drainage and Cleaning
of Land and Clearing Land of Waste**

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LAND CLEARANCE BY-LAW

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WHEREAS paragraphs 80 and 135 of Section 210 of the Municipal Act, R.S.O. 1990, c.M.45, as amended, authorize the Council to pass by-laws as follows:

- 80 For requiring and regulating the filling up, drainage, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.

135 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 structure,
 - (ii) may require the owners, lessees or occupants of such land or structures, at the expense of the 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 so used before the passing of the By-Law,
 - (iii) may define industrial or domestic waste.
- (b) By-Law under this paragraph does not apply to the use of any land or structure by a municipality.

AND WHEREAS Section 220.1 of the Municipal Act, R.S.O. 1990, c.M-45, as amended by Section 10 of Schedule M of the Savings and Restructuring Act, 1996 provides that the Council may by By-Law imposed fee for services and activities provided or done by or on behalf of the Corporation of the Township of South-West Oxford.

THEREFORE the Municipal Council of The Corporation of the Township of South-West Oxford enacts as follows:

Part 1

DEFINITIONS

1.1 Definitions

In this By-Law:

Agricultural Purposes – Defined

‘**Agricultural Purposes**’ shall mean the land used for cultivating soil, producing crops and for the raising of livestock but does not include the portion of land used as a woodlot.

Border – Defined

‘**Boarder**’ shall mean the cleared land between the side and/or rear property line and a naturalized area or wild flower meadow.

Buffer Strip – Defined

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

Cleared – Defined

‘**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.

Composting - Defined

'**Composting**' shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus.

Composting Container – Defined

'**Composting Container**' shall mean the holding unit used to store yard, garden and household waste for the purpose of composting.

Discarded Motor Vehicle – Defined

'Discarded motor vehicle' means a vehicle which is in disrepair having missing parts including tires, or damaged or missing glass or deteriorated or removed parts which prevent its mechanical function.

Domestic Waste – Defined

'**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 clippings, 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 compost container;
- (d) can, glass, plastic containers, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition or 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) discarded motor vehicles, parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) rubble, insert fill, fencing materials.

Industrial Waste – Defined

'**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 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) containers of any size, type or composition;
- (c) rubble, inert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which is whole or in part of fragments thereof are derived or are constituted form or consist of;
 - (i) agriculture, 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) discarded motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment.

Land – Defined

‘**Land**’ includes yards, vacant lots or any part of a lot which is not beneath a building

Naturalized Area – Defined

‘**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 – Defined

‘**Owner**’ includes lessee and occupant of the land.

Perennial Gardens – Defined

‘**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 naturalized area

Rubble – Defined

‘**Rubble**’ includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs.

Township – Defined

‘**Township**’ shall mean the Corporation of the Township of South-West Oxford.

Wildflower Meadow – Defined

‘**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 or trees.

Woodlot – Defined

‘**Woodlot**’ shall mean an area of trees in excess of 0.2 hectares.

Part 2

GENERAL PROVISIONS

2.1 Administration – by the Chief Building Official

This By-Law is administered by the Chief Building Official of the Corporation of the Township of South-West Oxford.

2.2 Land – filled up – drained – owner responsibility

Every owner shall keep his land filled up and drained.

2.3 Excavations – filled up – drained – owner responsibility

Every owner shall fill in any excavation on the land 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 land of accumulations of water that exceed 30 centimetres (12 inches) in depth unless 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 Land – clean – cleared – free of waste

Every owner shall keep his land cleaned, cleared and free from domestic and industrial waste.

2.6 Dumping – prohibited – without lawful authority

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

2.7 Swimming Pool – Maintained

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

Part 3

GENERAL PROHIBITIONS

3.1 Domestic Waste – not cleared – from land – prohibited

No person shall, within the Township of South-West Oxford, fail to clear land of domestic waste.

3.2 Industrial waste – not cleared – from land - prohibited

No person shall, within the Township of South-West Oxford, fail to clear land of industrial waste.

3.3 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.

3.4 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 centimetres (12 inches) in depth.

3.5 Private property – domestic waste – deposit on

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

3.6 Private property – industrial waste – deposit on

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

3.7 Township property – domestic waste – deposit on

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

3.8 Township property – industrial waste – deposit on

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

3.9 Water in a 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 the By-Law.

3.10 Private property – clear buffer strip

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

3.11 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.

Part 4

EXEMPTIONS

4.1 Excavations – construction – exemption

Section 2.3 of this By-Law does not apply to land 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 and 2.6 of this By-Law shall not apply to land 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 land 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 lands – exemption

This By-Law does not apply to any land used for agriculture 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 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, provided that there is no waste, and provided that they do not encroach within the buffer strip.

Part 5

ENFORCEMENT

5.1 Fine – for contravention

Any person who contravenes any provision of this By-Law is, upon conviction, 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 to be done in accordance with this By-Law is not done, the Chief Building Official or person designated by the Chief Building Official for the Corporation of the Township of South-West Oxford appointed pursuant to the Building Code Act, 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% (fifteen percent) of such expense with a minimum fee of \$80.00 (eighty dollars); 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 Chief Building Official.

5.5 Officer – entry to inspect

A Municipal Law Enforcement Officer designated to perform inspections pursuant to this By-Law may at all reasonable times, enter onto land for the purpose of an inspection of the land.

5.6 Township – bring property to compliance

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

Part 6

REPEAL – ENACTMENT

6.1 Effective date

This By-Law comes into force on the day it is passed.

READ a First and Second time this **2nd** day of **October, 2001.**

READ a Third time and finally passed this **2nd** day of **October, 2001.**

Signed;

MAYOR: *Margaret (Peg) Caffyn*

CLERK: *Allen Forrester*

DISCLAIMER:

This By-Law is not an official version by a reprint into this format for the convenience of the user. The Contents of this By-Law are the same as the By-Law passed by the Council of the Corporation of the Township of South-West Oxford on the date shown. An official version of this By-Law can be obtained by contacting the Municipal Office.