

**The Corporation of the
Township of South-West Oxford**

By-law No. 48-2021

**A By-law to provide for the clearing of land of waste and
derelict objects and requiring and regulating the filling
up, draining, cleaning and maintenance of land in the
Township of South-West Oxford**

Whereas Section 127 of the Municipal Act, 2001 provides that a municipality may require the owner or occupant of land to clean and clear land, not including buildings, or to clear refuse or debris from the land, not including buildings; regulate when and how matters required above shall be done; prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and define “refuse” for the purpose of this By-law.

And Whereas Section 11 of the Municipal Act, 2001, permits a lower tier municipality to pass by-laws respecting the economic, social, and environmental well-being of the municipality and matters within its sphere of jurisdiction including parking, except on highways; and drainage and flood control, except storm sewers;

And Whereas this By-law does not apply to the use of any land, buildings or structures by the Municipality;

And Whereas the Corporation of the Township of South-West Oxford has a zoning by-law in effect which regulates the use of land and the erection, location and use of buildings and structures in the Township;

And Whereas the Corporation of the Township of South-West Oxford has a Property Standards By-law in effect which prescribes minimum standards for the maintenance of property (which includes buildings and structures) and occupancy and which prohibits the occupancy or use of such property that does not conform with the standards;

Now Therefore the Council of the Corporation of the Township of South-West Oxford enacts as follows:

1. Definitions

- 1.1 **Municipal Law Enforcement Officer (MLEO)/By-law Enforcement Officer** means the person or his/her designate appointed by By-law, by the Township

for the purposes of administering and enforcing the provisions of this By-law;

- 1.2 **Cleared** means free of weeds or grass more than 15 centimetres in height and free of stockpiles of soil or other earthen material not required for garden or lawn related purposes or to complete the grading of land on which the stockpile is located and when used as a verb “to clear” or in the expression “clearing” shall include the draining, treatment and/or the disposing of water on any land where there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes;
- 1.3 **Commercial Motor Vehicle** means a “commercial motor vehicle” as defined in the Highway Traffic Act, as amended or revised from time to time;
- 1.4 **Derelict Motor Vehicle** means a motor vehicle that is in an abandoned, discarded, dismantled, inoperative, wrecked or unused condition. Also further defined as motor vehicles without a current and valid Service Ontario licence plate and sticker;
- 1.5 **Domestic Waste** means any article, thing, matter or effluent belonging to or associated with a residence, household, or dwelling unit that appears to be waste material, and includes but is not limited to the following classes of waste material:
 - i. Grass clippings, tree cuttings, brush, leaves and garden refuse;
 - ii. Paper, cardboard, clothing;
 - iii. Kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of foods;
 - iv. Cans, glass, plastic containers, dishes;
 - v. New or used material resulting from or for the purpose of construction, alternation, repair or demolition or any building or structure;
 - vi. Refrigerators, stoves, dishwashers, freezers or other appliances and furniture;
 - vii. Bathroom fixtures and plumbing parts and materials;
 - viii. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks, derelict motor vehicles, motor vehicle parts and accessories, tires, derelict machinery and equipment;

- ix. Rubble, inert fill, fencing materials;
 - x. Sewage.
- 1.6 **Driveway** means a private passageway for a motor vehicle, having at least one end thereof connected to a public road, and providing the principal means of vehicular access to lands;
- 1.7 **Excavation** means any man-made opening or depression in the ground, but shall not include a pit licensed under the Aggregate Resources Act, as amended or revised from time to time, an abandoned pit, a farm or irrigation pond, a fish pond or a water garden;
- 1.8 **Exterior Side Yard** has the same meaning as “yard, side, exterior” as defined in the Township’s Zoning By-Law;
- 1.9 **Farm or Irrigation Pond** means a body of water located outdoors, contained by natural or artificial means and designed, used or intended for agricultural purposes including irrigation and watering for livestock but not for recreational purposes;
- 1.10 **Fence** means any structure, including but not limited to a wall (other than a wall of a building), line of posts, railing, privacy screen, or gate, and any part thereof, which is used to enclose, separate or divide, in whole or in part, any parcel of land or part thereof from any other parcel of land or part thereof.
- 1.11 **Front Yard** has the same meaning as “yard, front” as defined in the Township’s Zoning By-Law.
- 1.12 **Industrial Waste** means any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to the 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:
- i. piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to these items;
 - ii. containers of any size, type or composition;
 - iii. broken concrete, bricks, broken asphalt, patio or sidewalk slabs or combination thereof, inert fill;
 - iv. derelict motor vehicles and parts, mechanical equipment and parts, accessories or adjuncts to vehicle and mechanical equipment;

- v. articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of agricultural, animal, vegetable, papers, lumber or wood products; or mineral, metal or chemical products whether or not the products are manufactured or otherwise processed;
 - vi. bones, feathers, furs, hides or other animal parts or by-products;
 - vii. paper or cardboard packaging or wrapping;
 - viii. new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
 - ix. sewage.
- 1.13 **Interior Side Yard** means a side yard other than an exterior side yard as defined in the Township's Zoning By-law.
- 1.14 **Land** means grounds, property, yards, or vacant lots or any part of a lot which is not beneath a building and which is not being used for agricultural purposes;
- 1.15 **Landscaped Open Space** means the use of land for the growth and maintenance of grass, flowers, shrubbery and other landscaping materials, both natural and artificial, accessory to a building or structure, and includes any surfaced walk, patio, or similar area, but does not include any access driveway or ramp, parking lot, deck or any open space beneath or land within any building or structure;
- 1.16 **Motor Home** means a motor vehicle chassis designed to provide temporary living quarters for recreation, camping or travel purposes;
- 1.17 **Motor Vehicle** means a wheeled self-propelled vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing, includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors;
- 1.18 **Owner** means the owner, occupant, lessee, tenant and mortgagee of land and includes any other person in charge of the land;
- 1.19 **Parking Pad** means a hard and durable surface constructed of concrete, asphalt, interlocking brick or similar material designed and constructed to ensure a stable surface for the parking of motor vehicles, recreational vehicles and similar items;

- 1.20 **Recreational Vehicle** means a motor vehicle, or a device attached to a motor vehicle, designed, redesigned, constructed or reconstructed to provide temporary living quarters for recreational, camping or travel purposes, and without limiting the generality of the forgoing may include a motor home, a travel trailer, a truck camper, a 5th wheel, or a tent trailer;
- 1.21 **Refuse** means domestic waste and industrial waste and includes material or effluent that, in the opinion of the By-law Enforcement Officer, appears to have been cast aside or discarded or abandoned; or appears to be worthless or useless or of no practical value; or appears to be used up, depleted, in whole or in part, expended or worn out in whole or in part;
- 1.22 **Salvage Yard** means an establishment where goods, wares, merchandise, and articles are dismantled or recycled for further use and where such goods, wares, merchandise and articles are stored and kept for sale wholly or partly in the open and shall be restricted to a junk yard, a scrap metal yard, and an automobile wrecking yard, and may include an accessory building. Such goods, wares, merchandise, and articles shall not include hazardous waste, except compounds such as fuel, oil, and freon, which are necessarily collected as part of the dismantling or recycling operation, provided that the handling of such compounds is in accordance with all applicable Federal and Provincial environmental requirements;
- 1.23 **Sewage** means any liquid waste containing human, vegetable or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or stormwater run-off;
- 1.24 **Sidewalk** means 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;
- 1.25 **Sight Triangle** shall be in accordance with Section 6: General Provisions of the Township's Zoning By-law and means the triangular space formed by the street lines and a line drawn from a point on one street line to a point in the other street line, each such point being 9.0 m (29.5 ft), measured along the street line from the point of intersection of the street lines, no building, structure, planting or vehicle shall be located in such a manner as to impede vision between a height of 0.6 m (2 ft) and 3.0 m (9.8 ft) above the centreline grade of the intersecting streets. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the

tangents to the street lines;

- 1.26 **Snow** includes ice and slush.
- 1.27 **Township** means the Corporation of the Township of South-West Oxford;
- 1.28 **Yard** means a space, appurtenant to a building or structure, located on the same land as the main building or structure, and which space is open, structurally uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted by the Township of South-West Oxford Zoning By-law;
- 1.29 **Zoning By-law** means the Zoning By-law adopted and in effect by the Township of South-West Oxford pursuant to the Planning Act as amended or revised from time to time.

2. General Regulations

Owner's Obligations

- 2.1 Every owner within the Township shall, unless otherwise exempted by this By-law, keep their land cleared.
- 2.2 No owner within the Township shall, unless otherwise exempted by this By-law, fail to clear land of domestic waste and/or industrial waste and/or refuse.
- 2.3 No owner within the Township shall, unless otherwise exempted by this By-law, fail to enclose an excavation on land in accordance with Section 2.4.
- 2.4 No owner within the Township shall, unless otherwise exempted by this By-law, fail to drain an accumulation of water exceeding 30 centimetres in depth on land in accordance with Sections 2.6 and 2.7.
- 2.5 No owner within the Township shall, unless otherwise exempted by this By-law, deposit domestic waste and/or industrial waste and/or refuse on private and/or municipal land without lawful written authority.

Excavations

- 2.6 Every owner of land shall fill in any excavation on the land to adjacent grade with non-contaminated fill unless:
- i. The excavation is enclosed completely by a fence having a minimum height of one and one-half (1.5m) metres, or;

- ii. Construction is proceeding in accordance with a valid building permit.
- 2.7 Every owner of land shall drain land of accumulations of water that exceed 30 centimeters in depth unless the water:
- i. is completely enclosed by a barrier of at least one (1.0) metre in height, or;
 - ii. constitutes a storm water management pond approved by the Township, or;
 - iii. constitutes a natural body of water or results from the periodic flooding of a natural watercourse, or;
 - iv. constitutes a farm pond or irrigation pond, or;
 - v. constitutes a water garden or fish pond, or;
 - vi. constitutes a private drain or a municipal drain, or;
 - vii. constitutes a lawfully maintained swimming pool in accordance with the provisions of the Township's Fence By-law.
- 2.8 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.

Drainage

- 2.9 Stormwater runoff from any downspout or any impervious surface shall be directed away from neighbouring properties. Every residential property shall be graded and maintained to prevent ponding or the entry of water into a basement or cellar.
- 2.10 Ditches, private drains, swales and watercourses shall be maintained to facilitate the unimpeded flow of water and prevent ponding.
- 2.11 No stormwater or roof water shall be discharged onto a sidewalk, walkway, steps, porch or other pedestrian access to a land, which may be hazardous or result in a potential safety risk.
- 2.12 No weeping tile, foundation drain, roof drain, or land drain shall be connected or discharged into any sanitary sewage system or public storm drainage system unless approved by Public Works.

Waste on Land

- 2.13 Every owner of land shall keep their land clean, clear and free from domestic

waste and/or industrial waste and/or refuse, unless:

- i. The land is zoned for the purpose of outdoor storage or domestic waste and/or industrial waste and/or refuse;
- ii. The land is owned, licensed and used by the Township or the County of Oxford for the purposes of a waste management facility.

2.14 No person shall throw, place, dump or deposit domestic waste, industrial waste or refuse on land without the lawful written authority of the owner.

2.15 No land shall be used as a place to store, keep, display, pile or accumulate in the open any waste, scrap iron or other scrap metals, used building materials, clothing or household goods, furnishings, fixtures, appliances, or any parts or portions thereof unless such lot is specifically zoned for the purposes for a salvage yard.

Outdoor Storage

2.16 Where outside storage is permitted in accordance with the provisions of the Township's Zoning By-law, the *owner* shall maintain such storage in a safe condition, located, parked or stacked in a neat and orderly fashion or in bins, containers, structures or enclosures appropriate to the nature, composition, chemical or other characteristic properties or distinctive attributes of the substance stored and in accordance with the requirements of the Township's Zoning By-law.

Derelict Motor Vehicles and Similar Items, Machinery and Equipment

2.17 Lands shall be kept free and clear of derelict motor vehicles and all other dismantled, discarded, wrecked or abandoned vehicles, farm machinery and equipment, construction machinery and equipment, mobile homes, railway cars, trailers, trucks, buses, coaches, shipping containers, boats and street car bodies unless such land:

- i. Is permitted to operate as a salvage yard in accordance with the requirements of the Township's Zoning By-law; or
- ii. Constitutes a waste disposal site for which an Environmental Compliance Approval or a provisional Certificate of Approval has been issued under the Environmental Protection Act, as amended or revised from time to time; or

- iii. Is enclosed in a building; and constitutes a permitted use and is in conformity with the Township's Zoning By-law.

Landscape/Grounds Maintenance

2.18 Every person shall comply with the following requirements:

- i. Weeds and grass shall not be permitted to grow or stand greater than 15 centimetres (6 inches) in height;
- ii. Hedges and trees adjacent to a public sidewalk or road shall be cut and trimmed so as to permit the safe and unhindered passage of pedestrians;
- iii. Yards shall be kept free from undergrowth or underbrush, and from dead decayed or damaged trees, and branches and limbs which may create an unkempt or unsafe condition, including a potential fire hazard or harbour pests or vermin;
- iv. Yards shall be kept as landscaped open space except where otherwise occupied by buildings structures, driveways, fences, and/or patios or decks;
- v. Within a sight triangle, no shrubs or foliage shall be planted or maintained and no fence, other than a fence permitted in accordance with the Township's Fence By-law, shall be erected or maintained between a height of 0.6 metres and 3.0 metres above the centreline grade of the intersecting streets;
- vi. All sidewalks, driveways, parking areas and loading areas on a lot shall be maintained in good condition, so as to afford safe passage for pedestrians under normal use and weather conditions;
- vii. All fences shall be maintained in good repair, in a safe and structurally sound condition and reasonably plumb unless specifically designed to be other than vertical. Wood fences shall be protected by preservative, paint or other weather resistant material unless constructed from pressure treated lumber;
- viii. All land shall be kept free of rodents, vermin, termites and other injurious insects and pests;
- ix. A maximum of one recreational vehicle and one commercial motor

vehicle and appurtenances thereto may be parked on a lot in a non-rural residential zone as established by the Zoning By-law, and in accordance with the storage and setback requirements of the Township's Zoning By-law.

- 2.19 No person shall deposit or cause to be deposited, snow, ice and/or slush on a road or sidewalk.

3. Exemptions

- 3.1 This By-law does not apply to property which is lawfully used for outdoor storage of materials in accordance with the provisions of the Township's Zoning By-law.
- 3.2 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 refuse.
- 3.3 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, and provided that there is no refuse.

4. Enforcement

- 4.1 The MLEO/By-law Enforcement Officer may enter onto land and/or inspect any land for the purpose of determining whether the land and/or use of any land complies with the provisions (terms, conditions and requirements) of this By-law. All owners shall permit the MLEO/By-law Enforcement Officer to inspect the land at all reasonable times and no person shall hinder or obstruct or attempt to hinder or obstruct, either directly or indirectly, a By-law Officer, or any other person appointed for the purpose of enforcing this by-law.
- 4.2 Every notice given by the MLEO/By-law Enforcement Officer shall identify the land and describe the conditions which contravene the provisions of this By-law.
- 4.3 The MLEO/By-law Enforcement Officer, by notice posted on the land, by personal delivery or by prepaid first-class mail sent to the owners of the land or structure, require the owner within the time specified by the notice to take such actions that may be necessary to bring the land into compliance with the terms, conditions and requirements of this By-law.

- 4.4 Every notice given by the MLEO/By-law Enforcement Officer shall identify the land or structure by means of a municipal address where one exists. Where a municipal address does not exist, the land or structure shall be identified by means of the legal description shown on the last revised assessment roll.
- 4.5 Every notice to an owner or occupant shall be sent to the address shown on the last revised assessment roll or to the last known address.

Default

- 4.6 Where the owner is in default of doing the matter or thing required to be done under this By-law, the MLEO/By-law Enforcement Officer may, upon such notice as the MLEO/By-law Enforcement Officer deems suitable, take such actions and complete such works as may be necessary to remedy the Owner's default and bring the land into compliance with the terms, conditions and requirements of this By-law at the owner's expense.
- 4.7 Where one notice has been sent in a calendar year under Section 3.2 to enforce the provisions of this by-law, the MLEO/By-law Enforcement Officer may proceed to take action under this Section to remedy continued default with no further notice to the owners within the same calendar year.
- 4.8 Where any of the matters or things are removed in accordance with Section 3.7, the matters or things may be immediately disposed of by the Township.
- 4.9 The Township shall recover the expense in doing a matter or thing referred to in Section 3.7 by action, or in like manner as municipal taxes.
- 4.10 This By-law may be enforced by the MLEO/By-law Enforcement Officer on his own initiative.

5. Penalty and Offence

- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty in accordance with the Provincial Offences Act.
- 5.2 Upon conviction, the court in which the contravention 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.

6. Severability

- 6.1 If any section or sections of this By-law or parts thereof be found by any court to be illegal or beyond the power of the Township to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

7. Interpretation and Short Title

- 7.1 All references to the masculine gender shall, where appropriate include references to all genders and all references to the singular shall, where appropriate, include references to the plural.
- 7.2 Where a provision of this By-law conflicts with the provisions of another by-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 7.3 This by-law may be cited as the "Yard Maintenance By-law".

8. Repeal and Effect

- 8.1 By-law No. 18-2015 is hereby repealed.
- 8.2 This By-law shall come into full force and effect on the final date of passing.

Read a First and Second time this 15th day of June, 2021.

Read a Third time and Finally Passed this 15th day of June, 2021.

'Original signed by'

Mayor: David Mayberry

'Original signed by'

Clerk: Julie Forth

Township of South-West Oxford
By-law No. 48-2021: Yard Maintenance By-law
Part 1 – Provincial Offences Act

Set Fine Schedule:

	Column 1	Column 2	Column 3
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Failure to keep land clear and clean	2.1	\$350.00
2	Failure to clear land of domestic or industrial waste	2.2	\$350.00
3	Failure to enclose an excavation	2.3	\$350.00
4	Failure to drain water from land	2.4	\$350.00
5	Depositing domestic or industrial waste without consent	2.5	\$350.00
6	Depositing snow, ice or slush on a road or sidewalk	2.19	\$350.00
7	Failure to follow outdoor storage requirements	2.16	\$350.00
8	Failure to remove derelict vehicle	2.17	\$350.00
9	Failure to maintain grass and weeds	2.18 i.	\$350.00
10	Failure to trim hedges, brush and trees	2.18 ii.	\$350.00
11	Blocking a sight triangle creating unsafe condition	2.18 v.	\$350.00
12	Failure to maintain sidewalks and parking areas	2.18 vi.	\$350.00
13	Failure to maintain a fence	2.18 vii.	\$350.00
14	Failure to keep land clean of vermin	2.18 viii.	\$350.00
15	More than one recreational and/or commercial vehicle	2.18 ix.	\$350.00
16	Obstruction of MLEO	4.1	\$500.00

NOTE: The general penalty provision for the offences listed above is Section 5 of By-law 48-2021, as amended, a certified copy of which has been filed.