

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

BY-LAW NO. 2011-82

“CLEAN YARDS BYLAW”

WHEREAS Section 127 of the Municipal Act 2001, SO 2001 c. 25 permits a local municipality to regulate the cleanup of refuse and debris on lands;

AND WHEREAS Section 446 of the Municipal Act 2001, SO 2001 c. 25 permits a municipality to take action and recover costs incurred;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. Definitions:

- a) **Corporation** means the Corporation of the Township of Edwardsburgh/Cardinal;
- b) **Domestic Waste** means any article, thing, matter or any effluent belonging to or associated 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:
 - Accumulations, deposits, leaving, litter, remains, rubbish, trash;
 - Refrigerators, freezers or other appliance, any attached hinges or latching, locking or other closing mechanism or device;
 - Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - Inoperative motor vehicles, vehicle parts and accessories;
 - Paper, cartons;
 - Furniture;
 - Crockery;
 - Sewage.
- c) **Industrial Waste** means any article, thing, matter or any 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 for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause, it is hereby declared that industrial waste extends to the following classes of waste materials:
 - Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of,
 - agricultural, animal, vegetable, paper, lumber, or wood products, or
 - mineral, metal, or chemical products,whether or not the products are manufactured or otherwise processed;
 - Automotive parts, inoperative vehicles, vehicles parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
 - Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
 - Containers of any size, type or composition;
 - Material resulting from, or as part of, construction or demolition projects;
 - Rubble, inert fill;

- Bones, feathers, hides;
 - Sewage.
- d) **Inoperative Motor Vehicle** means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunctions, which prevent its mechanical function as an operating vehicle on a public highway.
- e) **Lands** means grounds, yards or vacant lots.
- f) **Last Known Address** means that address shown on the latest revised assessment roll.
- g) **Legally Operating Business** means a business that is licensed.
2. No person shall keep lands or buildings the condition of which could create a fire or accident hazard.
3. No person shall grade, fill up or drain land so as to cause recurrent ponding of water.
4. No person being the owner of land shall permit heavy undergrowth or long grass on such lands in the hamlet areas, including Spencerville, Johnstown and Cardinal.
5. Waste
- a) No person shall use any lands or structures for dumping or disposing, or keeping of garbage, refuse or domestic or industrial waste of any kind.
- b) Notwithstanding the provisions of subsection (a), this by-law shall not be deemed to prohibit the orderly storing of automotive and mechanical equipment, salvage and similar material which is required for business purposes as part of a legally operating business or properly maintained compost piles.
6. Nothing in this by-law shall be deemed to interfere with the filling, grading or raising of land with earth or rock fill done under legal permit from the Corporation, or done as an adjunct to building operations covered by building permits issued by the Corporation, or the disposal of waste on any lands which have been designed for that purpose by the Corporation.
7. Where any lands, buildings or structures are not maintained pursuant to the requirements of this by-law, a Municipal By-law Enforcement Officer of the Corporation shall either deliver personally upon the owner or send or cause to be sent a notice by registered mail to the owner/occupant at their last known address requiring them to make the lands conform to the requirements of this by-law and the notice shall specify the time permitted for compliance. This notice is deemed to have been served 6 days after being sent by registered mail.
8. Remedial Action
- a) Where a notice has been sent pursuant to Section 7 of this by-law and the requirements of the notice have not been complied with, the Municipal By-law Enforcement Officer may:
- fill up, drain, clean or clear up the grounds, yard or vacant land;
 - repair the private drain or alter or relay the private drain;
 - remove refuse or debris;
 - provide for the sanitary disposal of sewage and drainage;
 - remove garbage, refuse or domestic or industrial waste;
 - cover over, screen, shield or enclose domestic or industrial waste;

- remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal;
 - and/or elect to carry out legal prosecution pursuant to the requirements of the Provincial Offences Act.
- b) The Township shall recover the expense in doing a matter or thing referred to in Subsection a) by action, or in like manner as municipal taxes.
9. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine pursuant to the Provincial Offences Act of not more than one hundred thousand dollars (\$100,000.00), exclusive of costs.
10. This By-law shall come into force and take effect upon its final passage.
11. This By-law repeals Township of Edwardsburgh/Cardinal By-law 2002-20.

Read a first and second time in open Council this 24th day of October, 2011

Read a third and final time, passed, signed and sealed in open Council this 24th day of October, 2011.

Mayor

Clerk