

THE CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NO. 29 OF 2018

Being a By-law for requiring and regulating the cleaning and clearing of land, the clearing of refuse or debris from lands and prohibiting the depositing of refuse or debris on land in the Township of Warwick

WHEREAS under Section 127 of the *Municipal Act S.O., 2001* as amended, a local Township may:

- i. require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;
- ii. regulate when and how matters required under clause i) shall be done;
- iii. prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and,
- iv. define "refuse" for the purpose of this section.

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 OF THE *Municipal Act, 2001* grants the council of a Township the capacity, rights, powers and privileges of a natural person;

AND WHEREAS section 11 of the *Municipal Act, 2001* authorizes council to pass by-laws with respect to the health, safety and well-being of persons and the economic, social and environmental well-being of the Township;

NOW THEREFORE the Council of the Corporation of the Township of Warwick hereby enacts as follows:

1. Short Title

This By-law may be cited as the **Cleaning and Clearing of Land By-law**.

2. Definitions

2.1. **Built-Up Area**, shall mean lands zoned Residential, Commercial and Agricultural in the Township of Warwick Zoning By-law No. 121 of 2012, as amended from time to time.

2.2. **By-law Enforcement Officer**, shall mean the person appointed, by by-law, by the Township for the purposes of administering and enforcing the provisions of this By-law.

2.3. **Cleared**, shall mean the removal of weeds or grass more than 20 centimetres in height and the removal of stockpiles of soil or other earthen material not required for lawn or garden-related purposes or to complete the grading of the lot on which the stockpile is located.

2.4. **Domestic Refuse**, shall mean any article, thing, matter or effluent belonging to, or associated with a place of residence that appears to be waste material, and includes, but is not limited to:

- i. grass clippings, tree cuttings, brush, leaves and garden refuse;
- ii. paper, cardboard packaging and wrapping;
- 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, alteration, repair or demolition of 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;
- ix. derelict or abandoned motor vehicles; motor vehicle parts and accessories;
- x. tires;
- xi. derelict machinery and equipment;
- xii. rubble and inert fill;
- xiii. sewage.

2.5. **Excavation**, shall mean any man-made opening or depression in the ground, but shall not include a pit licensed under the Aggregate Resources Act, an abandoned pit, a farm or irrigation pond, a fish pond or a water garden.

2.6. **Farm or Irrigation Pond**, shall mean a body of water situated 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.

2.7. **Fence**, shall mean a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal, vinyl, plastic or other manufactured material, or combination thereof, which is continuous throughout its entire length where required, save and except where access areas and lines of sight are required for safety purposes.

2.8. **Garbage**, shall mean refuse, domestic refuse, industrial refuse,

2.9. **Industrial Refuse**, shall mean any article, thing, matter or effluent belonging to, or associated with, industry or commerce or concerning or relating to any manufacturing process or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes, but is not limited to:

- i. pipes, tubes, conduits, cable, fittings or adjuncts thereof;
- ii. containers or any size, type or composition;
- iii. rubble and inert fill;
- iv. derelict or abandoned motor vehicles, motor vehicle parts and accessories
- v. tires;
- vi. derelict machinery and equipment
 - a. 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;
- vii. bones, feathers, furs, hides;
- viii. paper, cardboard packaging and wrapping;
- ix. material resulting from, or as part of, construction or demolition;
- x. sewage.

2.10. **Inspector**, shall mean a person appointed as Chief Building Official of the Township or his designate;

2.11. **Irrigation Pond** shall mean a body of water situated outdoors, contained by natural or artificial means and designed, used or intended for irrigation purposes and not for recreational purposes

2.12. **Land**, shall mean grounds, property, yards, or vacant lots or any part of a lot which is not beneath a building.

2.13. **Landscaped Open Space**, shall mean the area of a lot which is used for the growth and maintenance of grass, flowers, shrubbery and other landscaping materials, both natural and artificial, and includes any surfaced walk, patio, or similar area, but does not include any access driveway or ramp, parking lot, deck or any space beneath or within any

building or structure.

2.14. **Motor Vehicle**, shall mean an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power.

2.15. **Motor Vehicle, Derelict or Abandoned**, shall mean a motor vehicle that is in a state of advanced disrepair having missing or damaged parts or deteriorated body conditions which renders it inoperative and may include a motor vehicle that has been evidently abandoned by its owner and left in a place or state of apparent disuse or disinterest by the owner regardless of whether it is either operable or inoperable or licensed or unlicensed for operation.

2.16. **Motor Vehicle, Restorable**, shall mean a motor vehicle of such an age, or other unique quality or category, that the owner thereof can demonstrate and has demonstrated a credible intention to restore same to its original or comparable condition and, further thereto, the said motor vehicle is being stored in a manner in keeping with the said intention to restore same.

2.17. **Township**, shall mean the **Corporation of the Township of Warwick**.

2.18. **Owner**, shall mean the person or legal entity who or which holds legal title to land.

2.19. **Rubble**, shall mean broken concrete, bricks, broken asphalt, patio or sidewalk slabs or combination thereof.

2.20. **Rural**, shall mean all other areas within the Township of Warwick not defined by Urban

2.21. **Refuse**, shall mean Domestic Waste and Industrial Waste as defined herein and also includes material or effluent that, in the opinion of the Inspector:

- i. appears to have been cast aside or discarded or abandoned; or
- ii. appears to be worthless or useless or of no practical value; or
- iii. appears to be used up, in whole or in part, expended or worn out in whole or in part.

2.22. **Sewage**, shall mean any waste containing animal, 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 storm water run-off.

2.23. **Sight Triangle**, shall mean the triangular space formed by the street lines of a corner lot where such lot is located at the intersection of two or more streets and a line drawn from a point in one street line to a point in the other street line, each such point being six (6.0) metres from the point of intersection of the street lines measured along the said street lines, and 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 projected tangents of the street lines drawn through the extremities of the interior lot lines.

2.24. **Urban**, shall mean the areas covered in Watford, the hamlet of Warwick Village and the Williams Subdivision.

2.25. **Unlicensed vehicle** shall mean a motor vehicle, tractor, trailer, truck camper, boat, motorcycle, demolition endurance vehicle, motorized snow vehicle, or any vehicle drawn, propelled or driven by any kind of power or any part thereof, that

- i. is not insured and registered in accordance with The Highway Traffic Act and does not have a current, valid license plate attached to it, but does not include a derelict vehicle;

2.26. **Yard**, shall mean the land around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with that building and notwithstanding the foregoing, shall mean land as defined herein.

3. Prohibited Matters

3.1. No owner shall, unless otherwise exempted by this By-law, fail to clear land of domestic refuse and or industrial refuse.

3.2. No owner shall, unless otherwise exempted by this By-law, fail to enclose an excavation in accordance with Section 4.

3.3. No owner shall, unless otherwise exempted by this By-law, fail to drain an accumulation of water exceeding 30 centimetres in depth.

3.4. No person shall, unless otherwise exempted by this By-law, deposit domestic waste or industrial waste on land without consent of the owner.

4. Ponds and Excavations

4.1. Every owner shall fill in any excavation 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 (1.5) metres, and;
- ii. construction is proceeding for which a valid building permit has been issued.

4.2. Every owner shall drain land of accumulations of water that exceed 30 centimetres in depth unless the water:

- i. is completely enclosed by a barrier of at least 1.0 metres 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.

5. Drainage

Every owner shall ensure that:

5.1. Storm water runoff from any downspout or any impervious surface is directed away from neighbouring lands. Lands shall be graded and maintained to prevent ponding or the entry of water into a basement or cellar.

5.2. Ditches, private drains, swales and watercourses are maintained to facilitate the unimpeded flow of water and prevent ponding.

5.3. No storm water, roof water or foundation drain is discharged onto a sidewalk, walkway, steps, porch or other pedestrian access which may be hazardous or result in a potential safety risk.

5.4. No weeping tile, foundation drain, roof drain, or land drain is connected or discharged into any sanitary sewage system or connected directly into public storm drainage system.

6. Waste On Land

6.1. Every owner shall keep his land cleaned, cleared and free from domestic refuse and industrial refuse unless:

- i. the land is zoned for the purposes of outdoor storage of domestic refuse and industrial refuse; or
- ii. the land is owned, licensed and used by the Township of Warwick for the purposes of dumping or disposing domestic refuse and/or industrial refuse.

6.2. Notwithstanding Section 6.1 to the contrary, lands may be used for the sale and display of household goods, furnishings, apparel and similar articles provided such sale and display is limited to not more than three days in any calendar year with the exception of home made articles, crafts, things or goods made by those residing on the premises provided the sale and display does not exceed 35% of the front yard or exterior side yard.

6.3. Leaves, twigs, branches, grass clippings, plants and other biodegradable matter may be composted on land provided such composting is confined to a rear yard, is situated at least one (1.0) metre from a property line and is undertaken a manner which prevents any noxious odour emitting therefrom or is otherwise disposed of in accordance with the standards and regulations of the Township.

7. Derelict or Abandoned Motor Vehicles and Similar Items

7.1. Every owner shall ensure that lands are kept free and clear of derelict or abandoned motor vehicles, railway cars, trailers, boats and street car bodies unless such land:

- i. is licensed as a salvage yard by the Township; or

- ii. constitutes a waste disposal site for which a Certificate of Approval or a provisional Certificate of Approval has been issued under the Environmental Protection Act; or
- iii. constitutes a permitted use and is in conformity with the Zoning By-law, or otherwise constitutes a legal non-conforming use under the Planning Act.

7.2. Every owner shall ensure that lands are kept free and clear of disused or in-operative farm equipment and machinery unless such land is **zoned Urban or Rural** and unless such equipment and machinery is maintained in a neat and tidy fashion and confined to an area not exceeding 100 square metres in an A1 zone and to an area not exceeding 50 square metres in an A2 zone and situated in a rear yard.

8. Built-Up Areas

In addition to all other requirements of this By-law, the following regulations shall apply to built-up areas as defined Urban or Rural. Every owner shall ensure that:

8.1. Weeds and grass are not be permitted to grow or stand greater than 20 centimetres in height.

8.2. Hedges and trees adjacent to a public sidewalk or road are be cut and trimmed so as to permit safe and unhindered passage.

8.3. Yards are 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.

8.4. Yards are maintained as landscaped open space except where otherwise occupied by buildings and structures, driveways, fences, and/or patios or decks.

8.5. Within a sight triangle, no shrubs or foliage shall be planted or maintained and no fence, other than a chain link or similar type fence are erected or maintained above a height of 0.6 metres above the centreline grade of the intersecting streets.

8.6. All sidewalks, driveways, parking areas and loading areas shall be maintained in good condition, so as to afford safe passage under normal use and weather conditions.

8.7. All fences are maintained 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.

8.8. All lands are kept free of rodents, vermin, termites and other injurious insects and pests.

8.9. A maximum of one (1) restorable motor vehicle may be parked in a driveway in a built-up area.

9. Inspections and Notice

9.1. The By-law Enforcement Officer may enter onto land and/or inspect any land for the purpose of determining whether the land complies with the provisions of this By-law.

9.2. The By-law Enforcement Officer may, by prepaid first class mail send to an owner, require the owner, within the time specified by the notice, take such actions that may be necessary to bring such lands into compliance with the terms, conditions and requirements of this By-law. Every notice given by the By-law Enforcement Officer shall identify the land and describe the conditions which contravene the provisions of this Bylaw.

9.3. Every notice given by the By-law Enforcement Officer to an owner shall be sent, by registered mail, to the address shown on the last revised assessment roll or to the last known address.

9.4. The By-law Enforcement Officer may, upon such further notice as he deems appropriate, undertake such measures or actions as may be necessary to ensure compliance with the By-law at the expense of the owner of the lands affected and where the expenses incurred by the Township are not paid within a reasonable period of time, the

Township may recover same in like manner as taxes in accordance with the provisions of the Municipal Act.

10. Default

10.1. Where the owner is in default of doing a matter or thing required to be done under this By-law, the By-law Enforcement Officer may, upon such notice as the 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.

10.2. Where any of the matters or things so removed are removed in accordance with Section 10.1 the matters or things may be immediately disposed of by the Township.

10.3. The Township shall recover all expenses incurred in an undertaking any removal referred to in Section 10.1 herein by action in a court of competent jurisdiction or, otherwise in like means as municipal taxes.

11. Offence

11.1. Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty under the Provincial Offences Act.

11.2. Upon conviction, 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.

12. Gender

12.1. All references to the masculine gender shall, where appropriate include references to the feminine gender and all references to the singular shall, where appropriate, include references to the plural.

13. Severability

13.1. 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.

14. Enforcement

14.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine as provided for in the *Provincial Offences Act*.

15. Repeals, Amendments, Transition and Enactment

15.1. By-law No. 93 of 2014 shall be repealed on the date this By-law comes into force and effect.

15.2. Despite the repeal of By-laws under section 15.1:

- a) the By-law shall continue to apply to proceedings in respect of offences that occurred before its repeal; and
- b) all licences issued under the By-law that are in effect at the time of the repeal shall be deemed to be licences as issued under this By-law, with all necessary

modifications, and all the rules, requirements and regulations of this By-law shall apply.

15.3. This By-law shall come into effect upon the final passing thereof.

16. Effective Date

16.1. This By-law shall come into force on the date of passing thereof.

READ a first and second time this 19th day of March, 2018.

READ a third time and FINALLY PASSED this 19th day of March, 2018.

Mayor - Todd Case

Administrator/Clerk – Amanda Gubbels

Schedule "A" to By-law 29 of 2018

CLEARING OF LAND BY-LAW PROCEDURE

1. Compliant received by municipal office and directed to Administrator/Clerk.
2. Administrator/Clerk records compliant and issues copy to By-law Enforcement Officer.
3. By-Law Enforcement Officer inspects the property
 - i. Photographs are taken
 - ii. Complaint report completed
 - iii. Original of complaint report directed to the clerk
4. Letter, registered mail, to property owner advising of infraction, specifying a date for owner to rectify situation.

NOTE: One (1) weeks notice for grass, three (3) for everything else.
5. If the complaint is regarding length of grass, the letter advises the property owner that, in the case of subsequent violation, the municipality may, without further notice, authorise its contractor to undertake subsequent cutting at the owner's expense.
6. Second inspection on date specified in #4 above to determine if compliance achieved.
7. No change in status, final written notice is given by registered mail.
 - a. Notice advises that the municipality will be taking measures to rectify the situation.
 - b. By-law Enforcement Officer arranges with a contractor to undertake necessary work.
8. Day before or morning of schedule clean up, the By-law Enforcement Officer conducts a 'drive-by' to verify status. If clean-up has occurred, contractor is advised.
9. By-law Enforcement Officer meets contractor on site, photographs existing conditions and provides general instructions to contractor.
10. Police are requested to attend where the By-law Enforcement Officer anticipates a potential problem.
11. A final compliant report is completed by By-law Enforcement Officer and directed to the Administrator/Clerk.
12. Following clean up: the municipality issues an invoice to the property owner. The invoice includes the contractor's cost and municipal administration fee.
13. If payment not received by due date, the amount is added to the property owner's tax bill. Interest charges apply.

Schedule “B” to By-law 29 of 2018

Provincial Offences Act

Part 1

THE CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NO. 29 of 2018

Cleaning and Clearing of Land

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Fail to clear land of domestic refuse	S.3.1	\$300.00
2	Fail to clear land of industrial refuse	S.3.1	\$300.00
3	Fail to enclose an excavation	S.3.2	\$300.00
4	Fail to drain accumulated water exceeding 30 centimetres in depth	S.3.3	\$300.00
5	Deposit domestic waste without consent of owner	S.3.4	\$300.00
6	Deposit industrial waste without consent of owner	S.3.4	\$300.00
7	Fail to direct storm water run-off away from neighbouring lands	S.5.1	\$250.00
8	Fail to maintain ditch, private dam, swale, or watercourse to facilitate unimpeded flow of water	S.5.2	\$250.00
9	Discharge storm water or roof water onto a sidewalk, walkway, step, porch, or other pedestrian access	S.5.3	\$250.00
10	Connect weeping file, foundation drain, roof drain, or land drain into sanitary sewage system or public storm drainage system	S.5.4	\$250.00
11	Fail to clear land of disused farm equipment	S.7.2	\$250.00
12	Fail to clear land of in-operative farm equipment	S.7.2	\$250.00
13	Built-up area- weeds greater than 20 centimetres in height	S.8.1	\$250.00
14	Built-up area- grass greater than 20 centimeters in height	S.8.1	\$250.00
15	Built-up area – hedge adjacent to public sidewalk not cut/trimmed to permit safe and unhindered passage	S.8.2	\$250.00
16	Built-up area- tree adjacent to public sidewalk not cut/trimmed to permit safe and unhindered passage	S.8.2	\$250.00
17	Built-up area – yard in unkempt or unsafe condition	S.8.3	\$250.00
18	Built-up area- yard not maintained as landscape open space	S.8.4	\$250.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
19	Built-up area – shrub or foliage not maintained at or greater than a height of 0.6 metres above centreline grade of intersecting streets	S.8.5	\$250.00
20	Built-up – fence not erected at or greater than a height of 0.6 metres above centreline of grade of intersecting streets	S.8.5	\$250.00
21	Built-up area – sidewalk not maintained in good condition	S.8.6	\$250.00
22	Built-up area – driveway not maintained in good condition	S.8.6	\$250.00
23	Built-up area – parking area not maintained in good condition	S.8.6	\$250.00
24	Built-up area – loading area not maintained in good condition	S.8.6	\$250.00
25	Built-up area – fence not maintained in safe and structurally sound condition	S.8.7	\$250.00
26	Built-up area– fence not reasonably plumb	S.8.7	\$250.00
27	Built-up area – wooden fence not protected by preservative, paint, or weather resistant material	S.8.7	\$250.00
28	Built-up area – fail to keep lands free of rodents, vermin, termites and other injurious insects and pests	S.8.8	\$300.00

Note: The general penalty provision for the offences listed above is section 11 of bylaw 29 of 2018, a certified copy of which has been filed.