

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 121- 2007

BEING A BY-LAW RESPECTING LITTER, YARD WASTE AND THE MAINTENANCE OF PROPERTY.

WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may require an 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; to regulate when and how such matters shall be done; to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and to define refuse;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances;

AND WHEREAS Section 131 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipality may prohibit and regulate the use of any land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting, inter alia, health, safety and the well-being of persons and waste management;

AND WHEREAS Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where a municipality has authority under the *Municipal Act* or any other Act or under a by-law made under the *Municipal Act* or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed to do it, the matter or thing shall be done at the person's expense and the municipality may recover the expense incurred by action or by adding the cost to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Council desires to pass a by-law:

- (1) for the maintenance of yards by owners and occupants;
- (2) prohibiting the keeping of domestic and industrial waste on lands;
- (3) prohibiting littering on public and private land;
- (4) regulating the salvage of motor vehicles and their components with the intent of promoting proper recycling and reuse of resources, the limiting of waste and wasteful practices, the limiting or eliminating of nuisances, particularly from waste and naturalized areas to other properties in the municipality, and the limiting and eliminating of other unhealthy practices and conditions arising from litter, refuse or neglect.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

SECTION 1 GENERAL PROVISIONS

1.1 SHORT TITLE

- 1.1.1 This by-law shall be known as the "Clean Yards By-law".

1.2 DEFINITIONS

- 1.2.1 In this by-law:

- (1) "*agricultural operation*" means an agricultural operation as defined by the *Farm and Food Protection Act*;
- (2) "*city*" means the Corporation of the City of Thorold or the geographical area of the municipality, as the context requires;
- (3) "*chief building official*" means the Chief Building Official appointed by Council under the *Building Code Act*, S.O. 1992, c.23 as amended, or the *person* who is appointed to act in that capacity during his or her absence;
- (4) "*domestic waste*" means any debris, rubbish, *refuse*, *sewage*, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or residential property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather, and for even greater certainty, it is hereby declared that "*domestic waste*" includes but is not limited to the following classes of materials regardless of the nature or condition of the material, article or thing:
 - (a) broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, waste lumber, except only cut and stacked firewood for use in a fireplace on the property;
 - (b) paper, paper cartons, and other paper products;
 - (c) rotting vegetable matter, or rotting animal matter, unless it is contained in an appropriate composting container;
 - (d) disconnected appliances, including refrigerators, stoves, dishwashers, microwaves, freezers, washers, dryers or any part or parts of such things;
 - (e) electronic devices, including televisions, computers and related components, radios, amplifying devices, speakers, audio and visual players and any parts of such things;
 - (f) furnaces or furnace parts, air-conditioners, ducting, pipes, heat pumps, fittings, pipes and wire;
 - (g) water or fuel tanks;

- (h) *inoperative vehicles* or machinery, *inoperative motor vehicles*, and parts or accessories of such items;
- (i) inoperative bicycles, lawnmowers, engines, and mechanical tools;
- (j) accumulations, deposits, leavings or sweepings of litter, remains, rubbish, or trash or any sort, whether animal, mineral or vegetable;
- (k) broken or *indoor furniture*
- (l) crockery, dishes, pots and pans, and small kitchen appliances;
- (m) sewage;
- (n) animal waste products, hides, parts of carcasses other than those arising from industrial or agricultural businesses legally operation on the land;
- (o) construction, demolition, repair or renovation debris or leftover from such work; and
- (p) accumulation of broken concrete, asphalt pavement, brick pavers and side walk slabs;

Domestic waste as defined in this by-law does not cease to become *domestic waste* by reason only that it may be commercially saleable or recyclable.

- (5) "*indoor furniture*" means and includes any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include but not be limited to items such as couches, sofas, love seats, fabric covered chairs and mattresses;
- (6) "*industrial waste*" means debris, rubbish, *refuse*, sewage, effluent, discard or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on the property due to exposure or the weather, and for even greater certainty it is hereby declared that "*industrial waste*" includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:
 - (a) debris discarded things or matter, or effluent which in whole or in part are derived from or are constituted from or consist of,
 - (i) animal or vegetable matter, paper, lumber or wood; or
 - (ii) mineral, metal or chemicals or fill contaminated with petrochemical or petroleum products;
 - (b) piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;

- (c) automotive parts not packaged for immediate shipment, *inoperative vehicles*, *vehicle parts*, inoperative mechanical equipment, mechanical parts, accessories or adjuncts to the *vehicles* and mechanical equipment not contained in a legal salvage yard;
 - (d) motor *vehicle parts*, including tires, wheel rims, engines, body parts, windows, drive train components etc.;
 - (e) *inoperative vehicles* or machinery, *inoperative vehicles*, and parts or accessories of such items;
 - (f) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories, with or without adjuncts and not packaged for immediate shipment;
 - (g) material resulting from or as a part of, construction, demolition, repair or renovation projects including debris and leftovers;
 - (h) rubble or fill;
 - (i) bones, feathers, hides or other animal parts or carcasses;
 - (j) sewage;
 - (k) dust emanating from the operation of the enterprise;
 - (l) ashes; and
 - (m) broken bricks, concrete or asphalt.
- (7) "*inoperative motor vehicle*" means and includes any motor *vehicle* other than a motor *vehicle* which is currently licensed, and operable and regularly driven by an *owner* or *occupant* of the *property* on which it is stored, unless it is permitted for the operation of a business enterprise lawfully situated on the property;
- (8) "*inoperative vehicles, machinery, trailers or boats*" means such items that are unable to operate as a result of being dismantled, broken or incomplete, decayed or dilapidated, and in particular includes *vehicles* with missing part(s), wheel(s), tire(s), engine(s), drive train or body components or window(s), unless such item is operable, not dismantled, broken or incomplete, decayed or dilapidated and its use is permitted under the zoning by-law or is necessary for the operation of a business enterprise lawfully situated on the property;
- (9) "*last known address*" means the address, which appears on the last revised assessment rolls of the Corporation of the City of Thorold;
- (10) "*medical officer of health*" means the Medical Officer of health for the Regional Municipality of Niagara;
- (11) "*municipally owned land*" means property owned or maintained by the Corporation of the City of Thorold shown on the last revised assessment roll and shall include all municipal road allowances and rights of way;

- (12) "*naturalized area*" means land or a portion of lands covered by vegetation which is landscaped and maintained with a variety of flowers or plants, with or without grasses, or left to grow a variety of indigenous plants;
- (13) "*occupant*" means any *person* or *persons* over the age of 18 years in possession of the *property*;
- (14) "*officer*" means a Municipal Law Enforcement Officer, a Building Inspector, a Fire Chief, a Deputy Fire Chief, a Fire Prevention Officer or a Health Inspector or other *person* appointed or employed by the City for enforcement of by-laws and includes both Police and Peace officers;
- (15) "*order*" means any notice of non-compliance issued under this by-law;
- (16) "*owner*" means
- (a) the *person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the *person's* own account or as an agent or trustee of any other *person*, or who would so receive the rent if such land or premises were let, and
 - (b) a lessee or *occupant* of the *property* who, under the terms of a lease, is required to repair and maintain the *property* in accordance with the standards for the maintenance and *occupancy* of *property*;
- (17) "*person*" means and includes an individual, firm, corporation, association or partnership and includes an *occupant* or an *owner* of a *property*;
- (18) "*property*" means any grounds, *yard* or *vacant lands*;
- (19) "*refuse*" means and shall include all manner of waste, debris and sewage as provided for or defined in this by-law but does not include a building or buildings on a *property*, but does include parts or pieces of such structures on the *property* that are dismantled or are rubble, or which have become detached from a building, whether by construction, demolition, damage or deterioration and any article, thing, matter, substance or effluent that:
- (a) has been cast aside, discharged or abandoned, or
 - (b) is disused from its usual and intended use, or
 - (c) is used up, in whole or in part, or expanded or worn out, in whole or in part; and
 - (d) shall include *domestic waste* and *industrial waste*.
- (20) "*regionally owned land*" means property owned or maintained by the Regional Municipality of Niagara shown on the last revised assessment roll and shall include all Regional road allowances and rights of way;
- (21) "*sewage*" means and includes 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 storm run-off;

- (22) “*standing water*” means any water on a *property* other than:
- (a) a natural moving body of water that exists on a permanent basis;
 - (b) a body of water that is maintained in such a way so as to prevent the breeding of and/or larvae growth of mosquitos, through the operation of a re-circulation and filtration system and/or the additive of an approved substance that will prevent the breeding of and/or larvae growth of mosquitos;
 - (c) any body of water containing live fish;
 - (d) any body of water natural to its surrounding environment including natural ponds, bogs, marshes and wetlands;
 - (e) any body of water within a municipally owned or regionally owned storm water management facility;
 - (f) any body of water contained for less than four (4) days.
- (23) “*turf grass*” means ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds for other vegetation;
- (24) “*vacant lands*” means lands with no building(s) or having no land uses established;
- (25) “*vehicle*” means an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road *building* machine, construction vehicle, bulldozer, backhoe, excavator, grader, asphalter, earth mover, compactor, crane, lift, skid steer, generator, welder, street car or other vehicle running only upon rails, motorized snow vehicle, off road vehicle, trailer, boat, bicycle, or any vehicle drawn propelled or driven by any kind of power, including but not limited to mechanical power, muscular power or wind power;
- (26) “*vehicle parts*” means and shall include any component or element, whether operable or not, used in the assembly, construction, maintenance or repair of a *vehicle*;
- (27) “*water course*” means an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously flows, even if the bed is sometimes dry, and even if the banks are sometimes overflowed or submerged;
- (28) “*weed*” means a noxious weed designated by or under the *Weed Control Act*, R.S.O. 1990, c. W.5, including any weed designated as a local or noxious weed under a by-law of the *City* passed under that Act;
- (29) “*yard*” means land, other than publicly owned land, around and appurtenant to the whole or part of a building (and used, or capable of being used in connection with the building).

1.3 INTERPRETATION

- 1.3.1 In this by-law statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.
- 1.3.2 In this by-law the numbering system shall be referenced in accordance with the following:
- | | |
|----------------|------------|
| 1 | section |
| 1.1 | subsection |
| 1.1.1 | article |
| 1.1.1(1) | sentence |
| 1.1.1(1)(a) | clause |
| 1.1.1(1)(a)(i) | subclause |
- 1.3.3 This by-law shall be read with all changes of gender and number required by the context or circumstances.

1.4 EXEMPTION

- 1.4.1 The provisions and regulations of this by-law do not apply to materials or equipment directly related to construction works on lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act.
- 1.4.2 This by-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

SECTION 2 APPLICABLE PROVISIONS

2.1 MAINTENANCE OF PROPERTY AND DRAINS

- 2.1.1 Every *owner* or *occupant* of land shall keep the vegetation on the *property* clean and cleared-up.
- 2.1.2 For the purpose of article 2.1.1, "clean" or "cleared-up" shall mean:
- (1) the removal of *weeds* from all *turf grass areas*, *naturalized areas*, buffer strip and perimeter strips;
 - (2) in *turf grass areas*, the cutting of grass so that its height is maintained below 200 mm (8 in.) in height;
 - (3) in a *naturalized area* on a residentially used parcel abutting another residential parcel, the cutting of vegetation other than trees or shrubbery so that its height is maintained below 200 mm (8 in.) along a minimum one (1) metre (3.28 ft.) wide strip immediately adjacent to the lot lines and along all boundaries of the whole lot or parcel of land which strip is herein called a "buffer strip"; or

- (4) in a *naturalized area* other than an area described by sentence 2.1.2(3), the cutting of vegetation other than trees or shrubbery, so that its height is maintained below 200 mm (8 in.), along a minimum ten (10) metre (32.8 ft.) wide strip immediately adjacent to the lot line where the lot line adjoins a roadway or an occupied property, which strip is herein called a "perimeter strip".
- 2.1.3 For the purpose of sentence 2.1.2(1), *weeds* shall be destroyed by the following means:
- (1) pulling or otherwise removing the plants from the soil;
 - (2) cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after cutting;
 - (3) turning the soil in which the plants were growing so as to bury or kill the *weeds*; or
 - (4) in the case of poison ivy, treating it with a herbicide that causes the plants to be destroyed, or which prevents the growth of plants or the ripening of their seeds, provided that nothing in this clause exempts the application of such a herbicide from the requirement for any applicable permits nor does it authorize the use of any herbicide that is contrary to any municipal by-law or other law in force in Ontario.
- 2.1.4 No *owner* or *occupant* of land shall obstruct, or cause or permit the obstruction of a *watercourse* on the land.
- 2.1.5 Every *owner* or *occupant* of land on which there is a private drain shall keep the drain operational and in repair, and no *owner* or *occupant* of land shall obstruct, or cause or permit the obstruction of a private drain on the land, provided only that the subsequent connection of the property's private sewage system to a municipal sanitary sewer system to the municipal sanitary sewer in a manner approved by the *City*, shall be permitted as a replacement to the private sanitary drain.
- 2.1.6 Article 2.1.1, does not apply to crops being grown by an *agricultural operation*.

2.2 STANDING WATER

- 2.2.1 Every *owner* or *occupant* of land shall keep the land free of *standing water*.
- 2.2.2 Every *owner* or *occupant* of land shall keep the land free of containers or debris capable of holding *standing water* in such a manner as to be exposed to the breeding of and/or larvae growth of insects.
- 2.2.3 Every *owner* or *occupant* of land shall ensure that any swimming pool, hot tub, wading pool, or artificial pond is maintained in proper operating condition, and in good repair.
- 2.2.4 Every *owner* or *occupant* of land shall ensure that land is free and clear of excavations capable of holding *standing water*.
- 2.2.5 Every *owner* of land that contains a natural pond, bog, marsh and/or wetland shall, when advised by the *Medical Officer of Health* that a medical hazard exists, take steps contained in any order issued by the *Medical Officer of Health* to immediately remedy the situation.

2.3 LITTER

- 2.3.1 No *person* shall cause, permit, throw, place or deposit *refuse* and/or debris on private land without the written authority of the *owner* or *occupant* of the land.
- 2.3.2 No *person* shall throw, place or deposit *refuse* and/or debris on owned or occupied land by the *City* or a local board of the *City* without the written authority of the *City* or the local board where such land is occupied by a person other than the *owner* without the written authority of the *occupant*.
- 2.3.3 A *person* does not breach articles 2.3.1 and 2.3.2 by placing garbage out for collection on their property in accordance with municipal by-laws and collection schedules, but no *person* shall leave out garbage contrary to such by-laws or schedules.
- 2.3.4 An *owner* or *occupant* of land shall clean or clear exterior walls of any building or structure on the land and their components so as to be free of posters, which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or where the posters are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.
- 2.3.5 Pursuant to the *Municipal Act*, S.O. 2001, c.25 as amended, the cost of removal of posters by the *City* is collectable against the owner of the advertising device under the terms of the *Municipal Act*, notwithstanding the content of this by-law.

2.4 GARBAGE AND WASTE DISPOSAL

- 2.4.1 Every *owner* or *occupant* of land shall keep the *property* free and clear of *domestic waste* or *industrial waste*, or any other thing in their possession that may constitute a health, fire or safety hazard to the yard or vacant lands of another *person* or to any *municipally owned lands*.
- 2.4.2 No *person* shall use any land or structure within the *City* for dumping or disposing of *domestic waste* or *industrial waste*, or any other thing in their possession that may constitute a health, fire or safety hazard to the yard or vacant lands of another *person* or to any *municipally owned lands*.
- 2.4.3 The *owner* or *occupant* of land used contrary to or on which there is a contravention of articles 2.4.1 and 2.4.2, regardless of whether the use or contravention occurred prior to the enactment of this by-law, shall at the persons own expense clean, clear and cease using such land or structure for such prohibited purposes.
- 2.4.4 Articles 2.4.1 and 2.4.2 do not apply to:
- (1) land or structures used by the *City* for the purpose of dumping or disposing of waste; or
 - (2) land or structures designated by by-law for the *City* for the purpose of dumping or disposing of waste.
- 2.4.5 No *person*, other than the *City* or its agents, without the prior authorization of the *City* and except in accordance with such authorization, shall dump or dispose of garbage, *refuse* or *domestic waste* or *industrial waste* or any kind on lands mentioned in article 2.4.4.

2.4.6 Notwithstanding the provisions of this section, used lumber, used building materials, *inoperative motor vehicles, inoperative vehicles, machinery, trailers or boats, or vehicle parts* may be stored on a *property* used for an *agricultural operation* provided that:

- (1) such material is screened from view from any residential parcel or public highway within 150 m (492 ft.); and
- (2) the material used is required for use as replacement parts, *vehicles* or materials as part of the *agricultural operation*.

2.5 MOTOR VEHICLE SALVAGE

2.5.1 No *owner* or *occupant* of land shall use any land or structure in the *City* for storing used or *inoperative motor vehicles* or *vehicle parts* for the purpose of wrecking or dismantling them or salvaging *vehicle parts* thereof for sale or other disposal including the purposes of repairing other *vehicles*.

2.5.2 Article 2.5.1 does not apply if Zoning by-laws permit the land to be used for such purposes and the *owner* or *occupant* of the land holds a current and valid licence for the land issued by the *City* or the body holding jurisdiction, permitting motor *vehicle* salvage.

SECTION 3 ADMINISTRATION AND ENFORCEMENT

3.1 ENFORCEMENT

3.1.1 The *Chief Building Official* or an *Officer* may inspect the land or structures, for the purpose of determining whether:

- (1) *properties* and drains are being maintained in accordance to this by-law;
- (2) the land or structure is used for dumping or disposing of garbage, *refuse, fill, domestic waste, or industrial waste* of any kind;
- (3) the land or structure is used for the storage of used motor *vehicles* for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
- (4) the *owner* or *occupant* has complied with any *Order* sent by the *Chief Building Official* or an *Officer*, or
- (5) there is compliance or non-compliance with any other provision of this by-law.

3.1.2 The *Chief Building Official* or an *Officer* may make an *Order*, sent by prepaid regular mail to the *last known address*, posted on site or personally delivered to an *owner* or *occupant* requiring the *owner* or *occupant* with the time specified in the *Order* to:

- (1) clean and clear-up the property and to bring the property into compliance with the section of this by-law;

- (2) repair or remove obstruction from private drains and ensure drainage and proper connection of private drains to storm or sewage systems of the *City* or otherwise provide for the sanitary disposal of sewage or drainage from the lands;
 - (3) alter or relay a private drain or fill up any property or part of a property;
 - (4) remove obstructions from *watercourses*;
 - (5) clean, clear or remove from the land or structure any or all garbage, *refuse*, fill, *inoperative motor vehicle*, *vehicles*, *machinery*, *trailers or boats*, *vehicle parts*, sewage, long grass, *weeds*, *domestic waste* or *industrial waste* of any kind or any other thing that may constitute a health, fire or safety hazard, or public nuisance;
 - (6) cease using the land or structure for the dumping or disposing of garbage, *refuse*, fill, *inoperative motor vehicle*, *vehicles*, *machinery*, *trailers or boats*, *vehicle parts*, sewage, long grass, *weeds*, *domestic waste* or *industrial waste* of any kind or any other thing that may constitute a health, fire or safety hazard, or public nuisance;
 - (7) clean or clear exterior walls of a building or structure, and their components free of posters which are:
 - (a) for an event which has already occurred or where the message contained is unreadable, or
 - (b) loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter; or
 - (8) indicating the time for complying with the notice and advising the *owner* or *occupant* that if the remedial action is not carried out within the time prescribed in the *Order*, that the *City* may carry out the required remedial action at the *owner's* expense.
- 3.1.3 Every *owner* or *occupant* shall permit the *Chief Building Official* or an *Officer* employed, upon production of identification and for the purpose of the inspection by the *City*, to inspect the land or structure for the purpose of article 3.1.1.
- 3.1.4 Where the *owner* or *occupant* fails to comply with an *Order* issued under this by-law within the time specified for compliance, the *Chief Building Official* or an *Officer*, with such assistance by others as may be required and upon reasonable notice as may be required in one or more of the methods provided in article 3.1.2, may:
- (1) clean or clear-up a *property* and bring it into compliance with any section of this by-law;
 - (2) repair, maintain or remove obstructions from private drains, and ensure drainage and *property* connection of private drains to storm or sewage systems of the *City* or otherwise provide for the sanitary disposal of sewage or drainage from the land;
 - (3) alter or relay a private drain or fill-up any *property* or part of a *property*;
 - (4) remove obstructions from *watercourses*;

- (5) clean, clear or remove from the land or structure any or all garbage, refuse, fill, *inoperative motor vehicle, vehicles, machinery, trailers or boats, vehicle parts, sewage, long grass, weeds, domestic waste or industrial waste* of any kind or any other thing that may constitute a health, fire or safety hazard, or public nuisance;
- (6) remove used motor *vehicles, inoperative motor vehicles* and any *vehicle parts*, stored for the purpose of wrecking or dismantling the materials or the salvaging parts thereof for sale or other disposal; or
- (7) clean or clear exterior walls of a building or structure, and their components free of posters which are:
 - (a) for an event which has already occurred or where the message contained is unreadable, or
 - (b) loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter;
- (8) issue a fine to the *owner* of the *property* in accordance with Schedule "B" of this by-law.

3.1.5 Where any of the materials or things are removed in accordance with article 3.1.4, the materials or things may be immediately disposed of by the *Chief Building Official* or an *Officer*, and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited first against costs, the balance shall be refunded to the *person* who was in possession of the materials or things prior to their removal from the land.

3.1.6 Upon completion of the work, repairs or demolition by or on behalf of the *City*, the *City* shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by statute.

3.1.7 The *Chief Building Official* or an *Officer* is authorized to give immediate effect to any *Order* issued under Section 3 of this by-law, that has not been complied with by the *owner*, under the provisions of the *City* of Thorold Procurement Policy, as amended from time to time.

3.2 NOTICES

3.2.1 For the purpose of this by-law reasonable time permitted for compliance with an *Order* issued by the *Chief Building Official* or an *Officer* shall be as stipulated in Schedule "A" of this by-law.

3.2.2 Where an *Order* is required to be issued for a repeat violation, Personal Delivery and / or Posting of the *Order* on Site as stipulated in Schedule "A" of this by-law shall be deemed to be sufficient provided the *Order* issued respecting the first violation indicated that any subsequent offence would be dealt with in this manner.

3.3 OFFENCES

- 3.3.1 The following penalties shall apply:
- (1) Every *person* who contravenes any provision of this by-law is guilty of an offence and upon conviction is subject to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence;
 - (2) Every corporation who contravenes any provision of this by-law is guilty of an offence and upon conviction is subject to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 3.3.2 No *person* shall hinder or obstruct an *Officer*, appointed under this by-law or employed to enforce this by-law, from carrying out an inspection of lands, nor shall any *person* obstruct any employee or agent authorized to carry out work for the *City* specified in an *Order* issued hereunder.

3.4 VALIDITY

- 3.4.1 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.
- 3.4.2 Where a provision of this by-law conflicts with the provision of another by-law, Act, or Regulation in force within the City of Thorold, the provisions that establish the higher standards to protect the health and safety of *persons* shall prevail.

3.5 TRANSITION RULES

- 3.5.1 After the date of the passing of this by-law, those by-laws identified under subsection 4.1 shall apply only to those *properties* in which an *Order* has been issued prior to the date of passing of this by-law, and then only to such *properties* until such time as the work required by such *Order* has been completed or any enforcement proceedings with respect to such *Order*, including any demolition, clearance, or repair carried out by the *City* shall have been concluded.
- 3.5.2 In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a clean yards by-law of any former area municipality, including the predecessor to by-laws mentioned in subsection 4.1, the process may be continued and carried out under this by-law.

3.6 PENALTIES

- 3.6.1 The Set Fines for offences under this by-law are described in Schedule "B" to this by-law and shall establish penalties associated with infractions of the regulations set out in this by-law

- 3.6.2 Where an *Order* is required to be issued for a repeat violation, a fine shall be issued to the *owner* of the property in accordance with Schedule "B" of this by-law.

SECTION 4 REPEAL AND ENACTMENT

4.1 BY-LAWS TO BE REPEALED

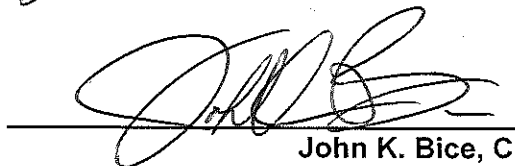
- 4.1.1 By-Law 44-2003 and By-Law 58-2005 of the Corporation of the City of Thorold and any amendments made thereto are hereby repealed.

4.2 DATE OF ENACTMENT

- 4.2.1 This by-law shall come into force and effect on the day after it is passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL THIS 6TH DAY OF NOVEMBER, 2007.


Henry D'Angela, Mayor


John K. Bice, City Clerk

The Corporation of the City of Thorold

SCHEDULE "A", Page 1
TO CLEAN YARDS BY-LAW NO. 121-2007

"Reasonable Time"

	<u>VIOLATION</u>	<u>METHOD OF DELIVERY</u>	<u>TIME</u>
1.	Long Grass	Registered Mail ¹	8 days
2.	Garbage / Debris	Registered Mail ¹	8 days
3.	Vehicle Violation	Registered Mail ¹	8 days
4.	Long Grass	Personal Delivery ²	2 days
5.	Garbage / Debris	Personal Delivery ²	2 days
6.	Vehicle Violation	Personal Delivery ²	2 days

Notes:

- 1) When method of delivery is registered mail, time shall be the prescribed number of complete calendar days following the day of the issuance of the registered mail.
- 2) When method of delivery is personal delivery, this shall include both personal delivery of Order to owner and / or occupant and notice being posted on site.

The Corporation of the City of Thorold
Part II of the Provincial Offences Act

SCHEDULE "B", Page 1
TO CLEAN YARDS BY-LAW NO. 121-2007

"Set Fines"

<u>ITEM</u>	Column 1 <u>SHORT FORM WORDING</u>	Column 2 <u>OFFENCE CREATING PROVISION OR DEFINING OFFENCE</u>	Column 3 <u>SET FINE</u>
1.	Fail to keep land clear of garbage and domestic / industrial waste	Section 2.4	\$150
2.	Fail to maintain turf grass below 200 mm in height	Section 2.1	\$150
3.	Use of land for storing of motor vehicles and parts thereof	Section 2.5	\$150

Note:

The penalty provision from the offences indicated above is in accordance to Section 61 of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended