

The Corporation of the Town of Cobalt

Bylaw # 2011-029

Being a Bylaw to Provide for Maintaining Land in a Clean and Clear Condition
(Clean Yards Bylaw)

WHEREAS pursuant to Sections 10(2) Clauses 5 & 6, 127, 128, and 131 of the Municipal Act S.O. 2001, c. 25 as amended, Council may pass By-Laws for requiring the cleaning and clearing of yards, for prohibiting the depositing of refuse on private and public lands; for prohibiting automotive wrecking yards and requiring removal or repair of dilapidated fences and structures;

AND WHEREAS pursuant to Section 446 of the Municipal Act S.O. 2001, c.25, as amended, a municipality may enact a bylaw to require that a matter of thing be done and in default, the matter of thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes;

AND WHEREAS pursuant to Section 391 of the Municipal Act S.O. 2001, as amended, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it,

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBALT HEREBY ENACTS AS FOLLOWS:

GENERAL PROVISIONS

- 1.1 Short Title
This Bylaw shall be cited as the '*Clean Yards Bylaw*'.
- 1.2 Scope
The provisions of this Bylaw shall apply to all property within the geographic limits of the Town of Cobalt, except where otherwise provided.
- 1.3 Enforcement
This Bylaw shall be enforced by a Municipal Bylaw Enforcement Officer, Property Standards Officer or designate, and Peace Officers.
- 1.4 Conflicts with other Bylaw
Where a provision of this Bylaw conflicts with a provision of another bylaw in force in the Town of Cobalt, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

DEFINITIONS

Definitions of words, phrases and terms used in this Bylaw that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in the Bylaw.

The words, phrases and terms defined in this section have the following meaning for the purposes of this Bylaw.

- 2.1 **“Council”** means the Municipal Council of the Town of Cobalt.
- 2.2 **“Domestic Waste”** means any article, thing, matter or any effluent belonging to or associated with a residence, household or dwelling unit, 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:
- a. Grass clippings, tree cuttings, brush, leaves and garden refuse
 - b. Paper, cardboard, clothing
 - c. All kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container
 - d. Feces
 - e. Cans, glass, plastic containers, dishes
 - f. New or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure
 - g. Refrigerators, freezers, stoves or other appliances and furniture
 - h. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tank
 - i. Unlicensed motor vehicles, inoperative motor vehicle, vehicle motor parts and accessories, vehicle tires mounted or not mounted on rims, mechanical equipment
 - j. Rubble, inert fill, fencing materials.
- 2.3 **“Hobby Vehicle”** means a vehicle that is actively being repaired or restored as a hobby for the owner/occupant of the property, a race car, or vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion;
- 2.4 **“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 material:
- a) Articles, things, matter or effluent, which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
 - i. agricultural, animal, vegetable, paper, lumber, or wood products or
 - ii. mineral, metal, or chemical products,
 - iii. whether or not the products are manufactured or otherwise processed
 - b) Inoperative motor vehicles and motor vehicle parts including but not limited to tires, mechanical equipment, mechanical parts, accessories, appurtenants or adjuncts to the motor vehicles and mechanical equipment
 - c) Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable
 - d) Containers or pallets of any size, type or composition

- e) Materials resulting from, or as part of, construction or demolition projects
 - f) Rubble, inert fill except loose soil, sand, gravel
 - g) Bones, feathers, hides
 - h) Sewage
- 2.5 **“Inoperative Motor Vehicle”** means any motor vehicle or any motor vehicle having missing parts, including: tires, damaged or missing glass, deteriorated or removed metal components, or anything which prevents its mechanical function.
- 2.6 **“Motor Vehicle”** means commercial and industrial vehicles and equipment, automobiles, motorized snow vehicles, off-road vehicles, motorcycles, all-terrain vehicles, trailers, boats, marine equipment, farm equipment, construction equipment and heavy machinery.
- 2.7 **Municipality** means the Municipality of the Town of Cobalt
- 2.8 **“Officer”** means Municipal By-Law Enforcement Officer or designate, Property Standards Officer and Peace Officers.
- 2.9 **“Owner”** Includes:
- a) Both the owner in trust and beneficial owner of land,
 - b) The person for the time being managing or receiving rent of the land or premises in connection with which the work is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
 - c) A lessee or occupant of the property who manages or controls the condition of the property.
- 2.10 **“Person”** in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau and agency or any director, officer, manager or person in charge of such entity or the collecting of rent of any property, or any other person who is the occupier of the property.
- 2.11 **“Refuse”** means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned, or is discarded from its usual and intended use, or is used up, in whole or in part, or expended or worn out in whole or in part; and shall include Domestic Waste and Industrial Waste, and that domestic waste and industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable; Rubble, Inoperative Motor Vehicle, parts of motor vehicles, unused or abandoned motor vehicles, vehicles without validated licence plates, vehicles without licence plates, objects or conditions that may create fire, health or accident hazards, dead animals, old or decayed lumber, decayed trees, discarded trees, part of trees, leaves and discarded organic material.
- 2.12 **“Rubble”** includes but not limited to broken concrete, flagstone, bricks, broken asphalt, patio or sidewalk slabs.
- 2.13 **“Town”** means the Town of Cobalt.

REGULATIONS

CLEAN AND CLEAR YARDS

- 3.1 Every owner, lessee or occupant shall keep his ground, yards or vacant land clear of all garbage, refuse or domestic or industrial waste of any kind;
- 3.2 For the purpose of Section 3.1, “keeping clear” includes:
 - a. The removal of dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition in relation to their environment;
 - b. The removal, trimming, or cutting of weeds, grass or ground cover more than 20 centimeters (8 inches) in height.
- 3.3 In determining compliance with Section 3.2 due consideration shall be paid to the distinction between groomed lawns and naturalized or underdeveloped areas particular in relationship to the surrounding environment.

LITTER

- 4.1 No person shall throw, place or deposit or in any manner put refuse on any Town street, sidewalk or property.
- 4.2 No person shall throw, place or deposit or in any manner put refuse on any private property within the Town.
- 4.3 Notwithstanding Section 4.1 of this bylaw, acceptable refuse placed on municipal property for the purposes of regular garbage or waste collection, in accordance with applicable bylaws respecting garbage and waste collection, shall be exempted from the provisions of this bylaw.
- 4.4 Notwithstanding Section 4.1 of this bylaw, acceptable refuse placed on municipal property for the purposes of special garbage or waste collection, placed in accordance with applicable bylaws and within the timeframe allotted, shall be exempted from the provisions of this bylaw.
- 4.5 No person shall place refuse, set out for garbage collection prior to 6 p.m. in the afternoon of the day preceding the collection unless otherwise directed.
- 4.6 No person shall leave remaining empty receptacles and all materials and scattered refuse which was considered uncollectible by the Municipality after 9 p.m. in the afternoon on the same day the garbage is collected or the material refused.

CLEAN UP WEEK REGULATIONS

- 5.1 No person shall place garbage, refuse or debris meant for pickup during cleanup week on private property or Town property prior to seven days preceding the pickup date established by Council.
- 5.2 No person shall place any appliance containing Freon gas meant for pickup during cleanup week, on private property or Town property, unless such Freon gas has been removed from the appliance by a qualified technician and such technician properly tags the appliance.
- 5.3 No person shall allow items not picked up during cleanup week to remain on private property or Town property for a period exceeding two days after the pickup date.

VEHICLES

- 6.1 Except as provided in the Town of Cobalt Zoning Bylaw and amendments thereto or otherwise permitted by law; no person shall store inoperative or partly dismantled motor vehicles or parts of motor vehicles on private or town property.
- 6.2 Section 6.1 shall not apply to Owners who are actively restoring not more than one vehicle and/or one hobby vehicle provided the vehicles are stored in an enclosed structure or located in a manner so as to be screened from view by neighboring residents or from adjacent roadways;

ADMINISTRATION AND ENFORCEMENT

- 7.1 An officer may, by personal service or by notice sent by registered post served on the owner, lessee or occupant of the land or structure, require the Owner within the time specified in the notice:
- a) To clean, clear or remove from the land or structure refuse, domestic or industrial waste of any kind;
 - b) To cease using the land or structure for the dumping or disposing of refuse, domestic or industrial waste of any kind;
 - c) To cover over, screen or enclose the refuse, domestic or industrial waste in the manner prescribed by the officer;
 - d) To pull down, repair or renew any structure (including but not limited to fences and retaining walls) that by reason of its ruinous or dilapidated state is in an unsafe condition.
- 7.2 Every notice sent by the officer shall identify the land or structure.
- 7.3 Every notice shall to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address.
- 7.4 Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.
- 7.5 When there is an immediate risk to public health and safety, the notice may require immediate action or remediation.
- 7.6 A copy of the notice to the Owner will be sent to the Municipal Bylaw Enforcement Officers/Special Constables unit. After the specified time of the notice for remediation has lapsed, the Officer will perform a site visit to ensure compliance. If compliance has not been met, the Officer will issue a ticket for the penalty as provided in the Provincial Offences Act.

RIGHT OF ENTRY

- 8.1 Where the Municipality has a power of entry under the said Act, the power shall be exercised by an Officer of the Municipality who may be accompanied by a person under his/her direction.
- 8.2 The Municipal Officer, for the purpose of inspection and/or remedial action, may enter upon the land and into accessible or open structures other than a place actually used as a dwelling house, at any reasonable time, without notice.
- 8.3 A person exercising power of entry on behalf of the Municipality under this Act must, on request display or produce proper identification.

REMEDIATION

- 9.1 Where the owner is in default of doing any matter of thing directed or required to be done under this by-law, an Officer may direct the completion of such at the owner's expense. In so doing, the Municipality may charge an administration fee in the amount of \$150.00, and both the expense and the fee may be recovered from the owner.
- 9.2 Where any matters of things are removed in accordance with Section 9.1, such matters or things may be immediately disposed of by the officer.
- 9.3 The Municipality may recover the remedial action cost and administration fee incurred under Section 9.1 by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with *Section 446 of the Municipal Act*.
- 9.4 The Municipality may, prior to recovering costs incurred in Section 9.1 pursuant to *Section 446 of the Municipal Act* by adding costs to the Municipal Taxes, invoice Owners requesting voluntary payment of said remedial action costs.

PENALTIES

- 10.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this Bylaw or any permit or order issued pursuant thereto commits an offence and is liable to any penalty as provided in the Provincial Offences Act.
- 10.2 Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

VALIDITY

- 11.1 If any section, clause, or provision of this Bylaw, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses, or provisions of this Bylaw shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

This Bylaw will come into effect on the day of its passing.

Read a first, second and third time, enacted and passed this th day of 2011.

Mayor

Clerk