

**THE CORPORATION OF THE VILLAGE OF
MERRICKVILLE - WOLFORD**

BY-LAW No. 69-2019

BEING a by-law concerning waste and debris and the filling, draining, cleaning and clearing of grounds and vacant lots as authorized by the Municipal Act, 2001, S.O. 2001, c.25 as amended specifically in the sections as follows;

WHEREAS Section 8 of the Municipal Act, 2001, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person, for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, permits a municipality to pass by-laws requiring 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, and for regulating when and how such matters shall be done, for prohibiting the depositing of refuse or debris on land without the consent of the owner or occupant of land and for defining "refuse";

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, permits a municipality to pass by-laws prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 11 (2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may regulate matters not specifically provided for in this Act, or any other Act for purposes related to the health, safety and wellbeing of the inhabitants of the municipality;

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

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, permits municipalities to pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that if a municipality has the authority under this or any other Act or under a by-law under this 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 or required to do it, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville - Wolford enacts as follows that:

1. DEFINITIONS:

For the purposes of this by-law:

- a) "Council" means the Council of the Corporation of the Village of Merrickville-Wolford;
- b) "Village" means the Corporation of the Village of Merrickville-Wolford;
- c) "Chief Building Official" means a Municipal Chief Building Official appointed by the Council of the Corporation;

- d) "Municipal Law Enforcement Officer" means a Municipal By-Law Enforcement Officer appointed by the Corporation, and includes the Chief Building Official;
- e) "Corporation" means the Corporation of the Village of Merrickville-Wolford;
- f) "Owner" means the owner, occupant or person in charge of the premises;
- g) "Premises" means the building, any grounds, yard or vacant lot;
- h) "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:
 - i Accumulations, deposits, leavings, litter, remains, rubbish, trash;
 - ii Refrigerators, freezers or other appliances with attached hinges or latching, locking or other closing mechanism or device;
 - iii Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - iv Inoperative motor vehicles, vehicle parts and accessories;
 - v Boats, parts of boats that are abandoned but not including any under repair or appearing to be under repair;
 - vi Felled trees (by any means), limbs being left but not as firewood or in the process of being sawn into firewood, or brush piles;
 - vii Paper, cartons, containers, bottles, jars;
 - viii Furniture;
 - ix Crockery;
 - x Sanitary sewage.
- i) "His or Her" for the purposes of enforcing this by-law have the same meaning.
- j) "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:
 - (1) Articles, things, matter, 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, whether or not the products are manufactured or otherwise processed
 - (2) Automotive parts, inoperative vehicles, vehicles parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
 - (3) Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
 - (4) Containers of any size, type or composition;

- (5) Material resulting from, or as part of, construction or demolition projects;
 - (6) Rubble, inert fill;
 - (7) Bones, feathers, hides;
 - (8) Sewage from any source
- k) "Inoperative Motor Vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunction, which may prevent its mechanical function as an operating vehicle on a public highway;
- l) "Lands" means grounds, yards or vacant lots;
- m) "Last Known Address" means the address shown on the latest revised assessment roll or change of ownership as advised by the Land Registry Office;
- n) "Legally Operating Business" means a business that is on the assessment roll, licensed by the Province or other lawful agency;
- o) "Refuse" has the same meaning as domestic waste, industrial waste and/or inoperative motor vehicle.

2. APPLICATIONS:

- 2.1 The Corporation of the Village of Merrickville-Wolford is exempt from the provisions of this by-law.
- 2.2 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 Village, or any other governing agency, or done as an adjunct to building operations covered by building permits issued by the Village, or the disposal of waste on any lands which have been lawfully designated for that purpose by the Village.
- 2.3 Where any lands, buildings or structures are not maintained pursuant to the requirements of this by-law, a Municipal Law Enforcement Officer of the Village may 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 six (6) days after being sent by registered mail.

3. REGULATIONS:

- 3.1 No person shall, within the boundaries of the Village, permit any lands under their control to become unhealthy, unsanitary, or keep lands or buildings the condition of which could create a fire or accident hazard or any risk to public safety.
- 3.2 No person shall grade, fill up or drain land so as to cause recurrent pondage of water.
- 3.3 No person being the owner of land shall permit heavy undergrowth and/or long grass in excess of 150 mm in length on any such lands as are in the urban centre or the hamlet centres as indicated in the Village's Zoning By-Law, as amended from time to time
- 3.4 No owner of private property zoned for residential, industrial, commercial or institutional use in the Village shall fail to remove any heavy undergrowth or long grass on the premises or fail to remove the cuttings between May 1st

and October 15th in each calendar year

3.5 a) No person shall use any lands, vehicle, trailer 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 material which is required for business purposes as part of a legally operating business or properly maintained compost in bins.

4 ENFORCEMENT:

4.1 a) Where a notice has been sent pursuant to Section 2.3 of this by-law and the requirements of the notice have not been complied with, the Municipal Law Enforcement Officer may take the necessary actions to:

- i fill up, drain, clean or clear up the ground(s), yard(s) or vacant land;
- ii repair the private drain or alter or relay the private drain;
- iii remove refuse or debris;
- iv provide for the sanitary disposal of sewage and drainage;
- v. remove garbage refuse or domestic or industrial waste;
- vi cover over, screen, shield or enclose domestic or industrial waste;
- vii remove inoperable motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal;
- viii repair, demolish or board-up a building or structure
- ix remove, repair any unhealthy, unsanitary and/or unsafe condition
- x and/or elect to carry out legal prosecution pursuant to the requirements of the Provincial Offences Act.

NOTE: A Municipal Law Enforcement Officer may enlist the assistance of any person in the performance of his or her duties

b) The Village may recover the expenses or costs associated with doing a matter or thing referred to in subsection a) by action, or in like manner as municipal taxes.

c) The notice shall specify the time allowed to bring the property into conformity.

4.2 The enforcement of this by-law in the Wolford Ward shall always be with clear and distinct recognition of the rural nature of the Ward.

5. OFFENCE AND PENALTIES PROVISIONS:

5.1 Any person who contravenes any of the provisions of this by-law, or who obstructs or attempts to obstruct a Municipal Law Enforcement Officer or an employee or agent of the Corporation in carrying out his or her duties under 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 ten thousand dollars (\$10,000.00), exclusive of costs.

6. VALIDITY:

- 6.1** If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, then the remainder of this by-law will not be affected and remains in full force and effect

7. COMMENCEMENT:

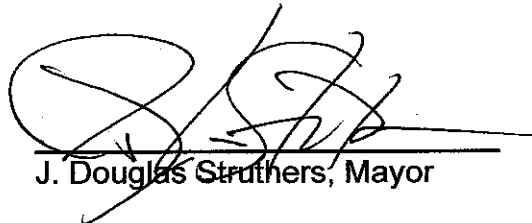
- 7.1** This by-law shall come into force on the day it receives third reading and is passed.

- 7.2** This by-law may be referred to as the "Yards By-law".

- 8.** By-Law No. 21-98 is hereby rescinded and repealed

READ a first and second time this 9th day of December, 2019

READ a third and final time and passed this 9th day of December, 2019



J. Douglas Struthers, Mayor



Doug Robertson, CAO/Clerk