

**CORPORATION OF THE TOWNSHIP OF MADOC
BY-LAW 1372-2015**

BEING A BY-LAW TO ESTABLISH YARD MAINTENANCE STANDARDS IN THE TOWNSHIP OF MADOC.

WHEREAS the Councils of local municipalities have broad powers pursuant to the Municipal Act, 2001, as amended from time to time with respect to matters of health, safety and nuisance, including without limitation, the power to enact by-laws to require and regulate the cleaning and clearing of land, refuse or debris; prohibiting and regulating public nuisances; regulating dangerous places; and for generally regulating matters related to the health, safety and well being of the inhabitants of the Municipality;

AND WHEREAS Section 427 of the said Municipal Act provides where a municipality has the authority by by-law to direct or require that a matter or thing be done, the Municipality may, in the same by-law, direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense;

AND WHEREAS the Council of the Township of Madoc has determined that allowing waste to be stored, placed, deposited, dumped or disposed of on any property (not zoned for such purpose) constitutes a public nuisance;

AND WHEREAS the Council of the Township of Madoc has determined that it is necessary and appropriate for the health, safety and well being of its residents to require properties to be kept in a clean, tidy and safe condition;

AND WHEREAS the Council of the Township of Madoc deems it necessary and advisable to enact this By-law in the interests of the health, safety and well being of its residents;

NOW THEREFORE the Council of the Township of Madoc hereby enacts as follows:

1. This By-law may be referred to as the "Yard Maintenance By-law".
2. In this By-law, the following words and phrases shall have the meaning set out below:
 - (a) "structure" means any structure including a building occupying an area of ten square metres or less consisting of a wall, roof and floor or any of them;
 - (b) "Council" means the Council for the Township of Madoc;
 - (c) "derelict vehicle" means a vehicle that appears to the By-law Enforcement Officer, by reason of its age, appearance or mechanical condition to be incapable of being operated;
 - (d) "domestic waste" means any waste except industrial waste and includes, but is not limited to, garbage, refuse, furniture or other household items that are unusable or damaged, loose vehicle parts, animal feces, cut brush, lumber, salvage or similar material;
 - (e) "industrial waste" means waste from,
 - (i) an enterprise or activity involving warehousing, storage or industrial, manufacturing or commercial processes or operations;
 - (ii) research or an experimental enterprise or activity;
 - (iii) clinics that provide medical diagnosis or treatment; or
 - (iv) schools, laboratories or hospitals;

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- (f) "Municipality" shall mean the Township of Madoc.
 - (g) "occupant" means any person over the age of 18 years in actual or apparent possession of a property;
 - (h) "officer" means a person appointed by Council by by-law from time to time to enforce the by-laws of the Municipality;
 - (i) "owner" includes the registered owner of a property and the person for the time-being managing or receiving the rent for the property in question, whether on the person's own account or as agent or trustee for any other person or who would so receive the rent if such property were let and shall also include a lessee of the property who, under the terms of a lease, is required to repair or maintain the property;
 - (j) "person" includes an individual, firm, partnership, association or corporation;
 - (k) "property" means lands and premises appurtenant thereto and includes vacant land;
 - (l) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that a property is not in contravention of the provisions of this By-law;
 - (m) "unplated vehicle" means any vehicle that is required to be registered in order to be operated and which is required to have plates attached or registration number displayed, including current validation but which vehicle is not registered as aforesaid and/or does not have plates attached or the registration displayed; and
 - (n) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn propelled or driven by any kind of power, including muscular power.
3. This By-law applies to all properties in the Municipality.
4. (a) No owner or occupant of any property shall:
- (i) store, place, deposit, dump or dispose of any domestic or industrial waste of any kind on such owner's or occupant's property; or
 - (ii) allow to remain or to be stored, placed, deposited, dumped or disposed of any domestic or industrial waste of any kind on such owner's or occupant's property.
- (b) Notwithstanding the provisions of Section 4 (a) above, the owner or occupant of property may place or store their domestic or industrial waste in proper containers designed for such purpose until, in the case of industrial waste, the container is scheduled for removal or emptying and, in the case of domestic waste, the day of the week that is designated as the day for garbage pick up for that portion of the Municipality, at which time the domestic waste shall be placed at the proper location for pick-up in proper containers.
5. (a) Every person who owns or occupies a property shall take all such steps or measures as may be necessary to put and keep the property they own or occupy in a clean, tidy and safe condition, free from any health hazard or fire or other dangerous risk.

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- (b) Without limiting the generality of Paragraph 5(a) of this By-law, the Municipality may require every person who owns or occupies a property to do the following:
- (i) fill up, drain, clean, clear, fence or grade such property;
 - (ii) remove from such property or place inside a garage or other enclosed structure:
 - a. unplated vehicles
 - b. derelict vehicles or
 - c. any other vehicle or machinery, not required to be plated
- Notwithstanding the foregoing, a maximum of two of the aforesaid types of vehicles may be stored on a property under a tarp;
- (iii) remove from such property any domestic waste or industrial waste;
 - (iv) cut weeds or grass that exceeds 20 centimetres (8 inches) in height;
 - (v) correct any condition that may create a health, fire or safety hazard; and/or
 - (vi) clean and clear of any rubble, debris or construction material on the property.
6. Section 5(b) (ii) does not apply to vehicles or machinery that are required for use by a business (including agricultural) lawfully situated on the property.
7. (a) No owner or occupant shall have on their property any open water closet, well or cesspool, which may be dangerous to the health or safety of any person.
8. An officer may enter upon any property at any reasonable time for the purpose of inspecting the property for the purpose of determining compliance with the provisions of this By-law, subject to the provisions of Section 430 of the Municipal Act, 2001 as amended from time to time.
9. Where an officer finds that any property does not comply with the provisions of this By-law, the officer may provide a written Order to the owner and/or occupant of the property in accordance with Section 10 of this By-law.
10. An Order pursuant to Section 9 of this By-law shall:
- (a) be served on the owner and/or occupant of the property and a copy of the order may be posted on the property;
 - (b) specify the work to be done and the time or times within which it shall be completed; and
 - (c) specify the property upon which the work is to be done, sufficiently enough to enable the owner or occupier to identify it.

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11. The time period stipulated in an Order for work to be completed shall be no less than:
- (a) 10 days for an Order requiring clean up of domestic waste, cutting and/or disposal of long grass or weeds; and
 - (b) 17 days for an Order requiring clean up and/or disposal of industrial waste, vehicles and all other materials other than items included in Section 11(a) above.
12. An Order shall be served by delivering the order personally to the owner and/or occupant concerned, or by prepaid mail to the owner and/or occupant at the last-known address as shown on the latest revised assessment roll for the property and the delivery of such Order shall be deemed to be effective on the third day after the Order was mailed.
13. (a) In the event that the owner or occupant fails to comply with an Order within the time period provided for in the Order, the owner and/or occupant shall be deemed to be in default, and in addition to any other fine or penalty that may be imposed by this or any other by-law or statute, the Municipality may enter onto the property and take such steps as are considered necessary to bring the property into compliance with the provisions of the By-law at the owner's or occupant's expense. The Municipality may recover the costs of taking such steps from the owner or occupant of the property and the Municipality may recover the costs by action or by adding the costs to the tax roll for the property and collecting them in the same manner as taxes.
- (b) Any object or thing removed from a property by the Municipality pursuant to this Section 13 of this By-law may be disposed of by the Municipality at the expense of the owner or occupant of the property, subject to the provisions of the Repair and Storage Lien Act, R.S.O., 1990, c. R 25.
 - (c) An administrative charge of \$ 50.00 will be added to the costs of bringing the property into compliance with the provisions of the By-law.
14. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such fines and penalties as are provided for by the provisions of the Provincial Offences Act, R.S.O., 1990, c. P 33, as amended from time to time.
15. In the event that any provision or requirement of this By-law or the application of this By-law to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
16. In this By-law, words importing the neuter gender shall include the feminine gender and masculine gender and vice versa and words importing the singular shall include the plural where the context requires.
17. The following By-laws of the Township are hereby repealed: B1237-2009, B1241-2009 and B1286-2011 as well as any other by-law of the Township of Madoc inconsistent with the provisions of this By-law.

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18. This By-law shall come into force and take effect upon the final passing thereof.

READ a first and second time this 6th day of May, 2015.

READ a third time and finally passed, signed, sealed and numbered 1372-2015 this 6th day of May, 2015.

REEVE

CLERK