



## The Corporation of the Municipality of Highlands East

### Bylaw # 2019-75

#### Clean and Clear By-Law

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Being a By-law of the Corporation of the Municipality of Highlands East to provide for the maintenance of land in a clean and clear condition.

**Whereas** Section 127 of the Municipal Act, 2001, S.O. c.25, as amended, provides that Councils of local municipalities may pass by-laws for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property;

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

**And Whereas** Section 425(1) of the Municipal Act, 2001, S.O. c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001, S.O. c.25, as amended, is guilty of an offence;

**And Whereas** Section 429 of the Municipal Act, 2001, S.O. c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law;

**And Whereas** Section 446 of the Municipal Act, 2001, S.O. c.25, as amended, provides that a municipality may direct or require a person to do a matter or thing, and that in default of it being done by the person directed or required to do it, the municipality may have the matter or thing done at the person's expense and add the costs of doing so to the tax roll and collect them in the same manner as property taxes;

**And Whereas**, the Council of the Corporation of the Municipality of Highlands East deems it necessary and expedient and in the public interest to enact a By-law to prohibit littering of private or municipal property for all residential, commercial and industrial uses;

**Now Therefore** the Council of the Corporation of the Municipality of Highlands East hereby enacts the following;

#### 1. Definitions For The Purpose Of This By-Law

1(a) **Derelict motor vehicle** means a vehicle which is in a state of disrepair, having missing parts, including tires, damaged or missing glass or deteriorated or removed parts which prevents its movement under its own power and does not have current validation in accordance with the Highway Traffic Act.



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- 1(b) **Refuse** includes waste, debris or garbage of any kind whatsoever and without limiting the generality of the foregoing includes:
- i) Litter, carcasses, rubbish, trash, household garbage;
  - ii) Discarded metal, wood or composite materials of any kind;
  - iii) Derelict vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
  - iv) Garden refuse, trimmings, weeds and grass greater than 20 cm (8 inches) in height; composting heaps that are not appropriately contained in a composting container, including tree and brush cuttings.
  - v) Material from construction or demolition projects;
  - vi) Paper, cardboard, clothing, crockery, glass, cans, containers;
  - vii) Refrigerators, freezers, stoves or other appliances and furniture;
  - viii) Discarded boats or parts thereof
- 1 (c) **Municipal property** means any property under the jurisdiction of the Municipality.
- 1 (d) **Municipality** means the Corporation of the Municipality of Highlands East.
- 1 (e) **Naturalized Area** means to cause a plant to become established in a controlled manner and grow undisturbed as if native, the establishment of exotic species in the wild that can reproduce without human intervention, or a natural landscape that follows the ordinary course of nature.
- 1 (f) **Officer** means a Municipal Law Enforcement Officer appointed by Council for the enforcement of By-laws of the Municipality of Highlands East.
- 1 (g) **Owner** means a person or persons appearing on the municipal tax assessment roll and property tax account and persons having lawful title to the land and includes “person” as defined in this By-law.
- 1 (h) **Person** means a natural person, unincorporated association or organization, firm, partnership, private club, corporation, agent or trustee and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to the By-law.
- 1 (i) **Property** means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto including vacant land.



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- 1 (j) **Vehicle** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driver by any kind of power including muscular power and includes a motorized snow mobile.

#### 2. Offences

- 2.1** No owner shall allow or permit the creation, presence or existence of any refuse in or upon any yards, vacant lots, grounds or buildings which such owner owns, rents, occupies or has an interest in, whether such interest is legal or equitable.
- 2.2** No person shall throw, place or deposit any refuse on private property or on the property of the municipality or any local board thereof without the authority from the owner or occupant of such property.
- 2.3** No person shall keep lands in a manner that could create a fire or accident hazard.
- 2.4** No person shall use land for the storage of derelict motor vehicle(s) or parts thereof except in accordance with the following:
- (1) The vehicle and parts are stored in an enclosed building, or
  - (2) The vehicle and parts are fully and completely covered with a canvas or similar opaque, weather resistant tarpaulin in good repair, in which case, no more than one (1) such covered vehicle shall be permitted in the yard.
  - (3) This section shall not apply to the storage of motor vehicles and parts which are reasonably necessary for the conduct of a bona fide business lawfully conducted on the property, and provided the number of discarded motor vehicles stored on the property in public view shall not exceed ten at any given time.
- 2.5** Every owner of land shall,
- (1) Ensure that no person shall use any land within the municipality for dumping, disposing, storing or keeping of refuse of any kind.



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#### **Exception**

Section 2.1 in relation to Section 1(b)(iv) does not apply to a naturalized area such as shoreline vegetation, a property zoned for agricultural use or road allowances when dealing with grass greater than 20 cm (8 inches).

#### **3. Removal**

Where the owner, lessee or occupant is in default on any of the provisions of this By-law, the municipality or its servants or agents may carry out or cause to be carried out, on behalf of the municipality, the work required to be done by this By-law at the expense of the property owner and the municipality shall recover the expense incurred in the doing of the matter required to be done and the cost shall be added to the property tax rolls of the owner and collected in the same manner as municipal taxes. The municipality shall not be responsible for any damage or loss that may be sustained by the owner as a result.

#### **4. Notice unauthorized dumping in municipal property containers**

The municipality shall post notices that unauthorized dumping in a container or dumpster placed on municipal property is prohibited in accordance with this By-law.

#### **5. Inspections**

The By-law Enforcement Officer, or other person appointed for the purpose of enforcing this By-law; has the power to enter upon and examine any yards, vacant lots, grounds or buildings, other than a dwelling, at any reasonable time or times, and, may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this By-law.

##### **5.1** Every owner of land shall within the timeframe specified in the written notice from the By-law Enforcement Officer requiring such owner to do so, shall:

- (1) Fill up any excavation in or on the premises;
- (2) Clean and clear the premises of any refuse;
- (3) For the purpose of this by-law, "clean" includes the removal of weeds or grass more than 20 cm (8 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located.



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- 5.2** The notice under Section 5.1 shall be delivered personally to the owner or mailed by prepaid registered first class mail to the address of the owner as shown on the last revised assessment roll. The above mentioned notice shall be deemed to have been served seven (7) days from the date of mailing.

Every notice sent by the By-law Enforcement Officer shall identify the land or structure and identify the contravening activity and/or do the work to correct the contravention.

With the exception of matters which pose an immediate risk to public health and safety, the notice shall provide for a timeframe set out in the notice for the completion of the work outlined in the notice.

#### **6. Other Legislation**

If this By-law conflicts with the provisions of any other legislation or By-law of the Municipality of Highlands East, the provisions of that By-law prevail to the extent of the conflict.

#### **7. Validity and Severability**

Should any section, sub-section, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this By-law or of the By-law as a whole.

#### **8. Penalty**

Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty not exceeding \$5,000.00 exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, shall apply to the said fine, or fines set out in Schedule "A".

- 8.1** Where the owner, lessee or occupant is in default of doing the matter or thing required to be done under this by-law, the By-law Enforcement Officer may:

(a) fill up, drain, clean or clear up the grounds, yard or vacant lands,



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(b) remove refuse or debris;

- 8.2** Where any of the matters or things are removed in accordance with Subsection (8.1), the matters or things may be immediately disposed of by the By-law Enforcement Officer.
- 8.3** Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Regional Senior Justice of the Ontario Court of Justice shall be requested to establish set fines in accordance with Schedule "A" of this by-law. For the purpose of this by-law, each day of a continuing offence shall be deemed to be a separate offence.

#### **9. Obstruction**

In accordance with the provisions of the Municipal Act, S.O. 2001, c.25, as amended, Section 426(1), no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an officer, employee of the Municipality of Highlands East and/or agent in the lawful exercise or power or duty under this by-law.

#### **10. Short Title**

This By-law shall be cited as the Clean and Clear By-law.

#### **11. Force and Effect**

This By-law shall come into full force and effect upon the day of final passage thereof.

That By-law 24-2004 is rescinded in its entirety.

**Enacted, Passed and Signed with the Corporate Seal attached this 23<sup>rd</sup> Day of July, 2019.**

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Dave Burton, Mayor

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Brittany McCaw, Acting Clerk