

MUNICIPALITY OF LAMBTON SHORES

BY-LAW 68 OF 2001

**BEING A BY-LAW FOR REQUIRING AND REGULATING THE CLEANING OF
LAND AND CLEARING LAND OF WASTE**

(TIDY YARD BY-LAW)

CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NO. 68 OF 2001

**"A By-Law for Requiring and Regulating the
Cleaning of Land and Clearing Land of Waste"**

WHEREAS paragraphs 80 and 135 of Section 210 of the Municipal Act, R.S.O. 1990, c. M.45 authorizes the Council to pass By-laws for requiring and regulating the cleaning of land and clearing land of waste;

THEREFORE the Council of The Corporation of the Municipality of Lambton Shores enacts as follows:

TIDY YARD BY- LAW

Definitions

1. In this By-law:

"Municipality" means The Corporation of the Municipality of Lambton Shores.

"Composting" shall mean the biological degradation or breakdown of organic material;

"Composting Container" shall mean a fully sided holding unit with a lid, designed and used to store yard, garden and organic domestic waste for the purpose of composting;

"Council" shall mean the Council of the Corporation of the Municipality of Lambton Shores.

"Domestic Waste" means any article, thing, matter or effluent belonging to or associated with a residence, household, dwelling unit or family that appears to be waste material, and includes but is not limited to the following classes of waste material:

- (i) grass clippings, tree cuttings, brush, leaves and garden refuse, unless in a pile no larger than 1 square metre in size and 1.8 metres in height;
- (ii) paper, cardboard, clothing;
- (iii) all kitchen and table waste resulting from the preparation or consumption of food, except when placed in a composting container;

- (iv) cans, glass, plastic containers, dishes;
- (v) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (vi) refrigerators, freezers, stoves or other appliances and furniture;
- (vii) Inoperative or surplus furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks or parts thereof;
- (viii) Inoperative Motor Vehicles or inoperative Recreational Vehicles, unlicensed motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (ix) Rubble, inert fill, fencing materials;
- (x) Sewage.

"Industrial Waste" includes commercial waste, and means any article, thing, matter or 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 includes but is not limited to the following classes of waste material:

- (i) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (ii) containers of any size, type or composition;
- (iii) Rubble, inert fill;
- (iv) automobile parts, Inoperative Motor Vehicles, unlicensed motor vehicles, vehicle parts, inoperative boats, inoperative recreational vehicles, mechanical equipment, mechanical parts, accessories or adjuncts to vehicle and mechanical equipment;
- (v) articles, things, matter, effluent which is in whole or in part or fragments thereof are derived from or are constituted from or consist of,
 - (1) paper, lumber or wood products but excluding compost piles no larger than 1 square metre in size, and 1.8 metres in height, or
 - (2) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;

- (vi) bones, feathers, hides;
- (vii) paper or cardboard packaging or wrapping;
- (viii) material resulting from, or as part of, construction or demolition projects;
- (ix) Sewage.

“Inoperative vehicle or recreational vehicle” means a vehicle or recreational vehicle which is in disrepair having missing parts including tires, or damaged or missing glass or deteriorated or removed parts which prevent its mechanical function, and includes unlicensed vehicles, or a vehicle that is not licensed with a current validated licence plate pursuant to the provisions of the Highway Traffic Act.”

"Inspector" means a person appointed as Chief Building Official or Chief By-law Officer for the Municipality or his designate;

"Land" includes grounds, property, yards, or vacant lots or any part of a lot which is not beneath a building;

“Motor Vehicle or Vehicle” includes an automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power.

"Owner", in addition to the owner/occupant includes:

- i) the individual, firm, corporation, association or partnership for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on their own account or as agent or trustee of any other individual, firm, corporation, association or partnership, or who would so receive the rent if such land or premises were let, and
- ii) 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 of this By-law.

“Person” means both individuals and corporations, and shall include Owners and others who are governed by this By-law.

“Recreational Vehicle” means a boat, sea doo, camper, trailer, motor home, and similar vehicles.

"Rubble" includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs;

"Sewage" includes any liquid waste containing human, vegetable, animal 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.

"Vehicle" includes an automobile, motorcycle, all-terrain vehicle and any other similar type of machine.

Scope of By-law

2. The provisions of this by-law shall apply to all lands within the Municipality of Lambton Shores with the exception of lands zoned and used for agricultural purposes, whereby the provisions of the by-law would apply to the residential dwelling(s) and surrounding **2 acres** of land only. Nothing in this by-law prevents the spreading of nutrients on farm fields in accordance with acceptable farm practices, and/or approved Nutrient Management Plans.

Prohibited Matters

3. No person shall:
 - (a) fail to clear Land of Domestic Waste or Industrial Waste;
 - (b) deposit Domestic or Industrial Waste on private or public property without lawful written authority;
 - (c) store Domestic or Industrial Waste unless in compliance with the applicable Municipal zoning by-law, site plan agreement and/or licensing by-laws and regulations.

Waste Upon Land

4. (a) Every Owner shall keep his Land cleaned, cleared and free from Domestic and Industrial Waste. For the purpose of this By-law "cleared" includes the removal of weeds or grass more than 20 centimetres (8 inches) in height. The removal of grass and foliage does not apply to lands in a "natural heritage" area or ANSI areas.
- (b) This section shall not apply to land which is lawfully used for outdoor storage of materials in compliance with the applicable zoning by-laws, site plan agreement and/or licensing By-laws and regulations;

5. Inspection of Lands

The Inspector may inspect the use of any Land, vehicle or structure for the purpose of determining whether:

- (a) the Land or structure is used for dumping or disposing of garbage, refuse or Domestic or Industrial Waste of any kind;
- (b) the Land or structure is used for the storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
- (c) the Owner, lessee or occupant has complied with any notice sent by the Inspector;
- (d) the vehicle is an Inoperative Motor Vehicle.

6. Offence

- (a) Every person who contravenes any provision of the By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the Provincial Offences Act.
- (b) Upon conviction, the court in which the contravention has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

7 Remedy and Notice

- (a) When a Municipal By-law Enforcement Officer determines that there has been a contravention of this by-law, the Officer shall cause a written notice to be issued to the person who is believed by the Officer to be responsible for the condition of the property. Notice shall be posted on the property and/or sent by prepaid first class mail. Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address. 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. The notice may indicate that unless the condition of the property is brought into conformity with the By-law within a specified time period, enforcement proceedings may be taken without future notice.
- (b) Failing this, at any time after the period specified in a notice to remedy the situation, issued under subsection (a), has expired, the Inspector, his designates or agents, may;
 - (i) clean or clear up the grounds, yard or vacant Land

- (ii) remove refuse or debris;
 - (iii) remove garbage, refuse or domestic or Industrial Waste, unless in compliance with the Municipal zoning by-law, site plan agreement and/or licensing by-laws and regulations;
 - (iv) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.
- (c) Where any of the matters or things are removed in accordance with subsection 1, the matters or things may be immediately disposed of by the Inspector, his designates or agents.
- (d) The Municipality shall recover the expense in doing a matter or thing referred to in subsection 1 by action, or in like manner as municipal taxes.

Gender

8. All references to the masculine gender shall, where appropriate, include references to the feminine gender and all references to the singular shall, where appropriate, include references to the plural.

Title

9. The short title of this By-law is the "Tidy Yard By-law".

Severability

10. If any section or sections of this By-law or parts thereof be found by any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

Repeal

11. This by-law hereby repeals all previous by-laws regulating "Tidy Yards" in the Municipality of Lambton Shores.

Commencement

12. This By-law shall come into force and effect upon finally being passed.

Read a First and Second time this 9th day of July, 2001.

READ A THIRD TIME and finally passed this 9th of July, 2001.

“J.C. Ivey, Mayor”

“Carol McKenzie, Clerk”

**AMENDED BY BY-LAW 37-2002
PASSED THE 2ND DAY OF JULY, 2002**

**Amended by By-law 49/2002 passed
the 6th day of August, 2002**

**Amended by By-law 72-2008 passed
the 20th day of October 2008**

**- Changes re: Composting,
Domestic Waste Def'n,**