

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2004-38**

**A BY-LAW TO PROVIDE FOR MAINTAINING LAND
IN A CLEAN AND CLEAR CONDITION**

WHEREAS section 127 of the Municipal Act, S.O. 2001, c. 25 as amended authorizes the Councils of local municipalities to pass by-laws for requiring and regulating the cleaning and clearing of land, not including buildings, or the clearing of refuse or debris from the land, not including buildings;

AND WHEREAS the Council of the Corporation of the Township of Wilmot deems it desirable to regulate and govern the maintenance of land in order to enhance the quality of communities and/or neighbourhoods, to protect the safety, health and well-being of the public and to ensure the continued enjoyment of property for residents and property owners of the Municipality.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

Section 1: Short Title

1.1 This by-law may be cited as the Clean Yard By-Law.

Section 2: Definitions

2.1 "Inspector" means a By-Law Enforcement Officer and any other duly appointed Inspector or Officer of the Township of Wilmot or their designate.

2.2 "Owner" means an owner, lessee or occupant.

2.3 "Region" means the Regional Municipality of Waterloo.

2.4 "Repair" means the taking of any action as may be required so that the property shall conform to the standards established in this By-Law.

2.5 "Township" means the Corporation of the Township of Wilmot.

2.6 "Stagnant Water" means non-flowing, motionless or stale water that has remained in a location for a period exceeding four days."

2.7 "Refuse or debris" means any article, thing, or matter that appears to have been cast aside or discarded or abandoned, whether of any value or not, or appears to be used up in whole or in part, or expended, or worn out in whole, or in part.

2.6 Without restricting the generality of the foregoing, refuse or debris may include:

- (a) garbage, litter, grass clippings, tree and garden cuttings, brush and leaves
- (b) containers such as crockery, dishes, glassware, bottles, plastic containers and cans
- (c) paper, cardboard, clothing
- (d) weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks
- (e) any motor vehicle which is not operative, or which is not licensed with a currently validated license plate pursuant to the provisions of the Highway Traffic Act, discarded motor vehicles, automotive parts, vehicle parts and accessories, mechanical parts, unmounted tires, tires on rims, accessories of adjuncts to the vehicle and mechanical equipment or any boat, trailer or part of any boat or trailer, which is in a wrecked, discarded, dismantled, or abandoned condition
- (f) broken concrete or asphalt pavement, patio/sidewalk slabs, unused building materials
- (g) materials resulting from or as part of construction, alteration, repair or demolition of any building or structure.

2.7 "Buffer Strip" means a minimum one (1) metre wide border that contains a wild-flower, meadow, or naturalized area.

- 2.8 Without restricting the generality of the foregoing such a border may include:
- (a) turf grass
 - (b) non organic ground cover
 - (c) organic ground cover to a maximum height of 60 cm. (2 ft.)
- 2.11 "Turf Grass Area" means a regularly maintained area to a maximum height of 20 cm. (8 inches) consisting of desirable turf grass species such as blue grass, fescue, perennial ryes and tall fescue.
- 2.12 "Property Managed Home Composting" means: the natural decomposition of organic materials to produce compost on one's property and shall be conducted in accordance with the following regulations:
- (a) no bones, meat, dairy or other fat products are to be added
 - (b) for residences of 1-6 units, composting shall take place behind the building line and no closer than 0.6m (2 ft) to the property line. The composter or compost pile shall have a maximum size of 10' x 5' x 3' high or 150 cu. Ft. (3m x1.5m x1m or 4.5 cu.m.)
 - (c) for residences greater than 6 units, all composting must take place in a composting container, not in an open pile
 - (d) the compost container or pile shall not generate offensive odours or house vermin
 - (e) food waste shall not be covered by yard waste, soil or compost.

Section 3: Lot Maintenance Standards

- 3.1 Every Owner, shall keep their yard, grounds or vacant land filled up, drained, cleaned and cleared up.
- 3.2 Every Owner, shall fill in any excavation on their land which is not completely enclosed by an adequate barrier and/or fencing.
- 3.3 Subsection 3.2 does not apply to work that is actively proceeding under a construction or building permit.
- 3.4 Every Owner, shall keep his land free and clear of stagnant water by draining it or by implementing a strategy for reducing mosquito breeding that has been approved by a By-law Enforcement Officer. This section shall not apply to lands designated as Wetlands in the Township's Official Plan or to marshes, swamps, bogs and fens.
- 3.5 Every Owner, shall drain their land where water has accumulated upon the land to such a depth that in the opinion of an Inspector, an unsafe or dangerous situation exists.
- 3.6 Subsection 3.4 does not apply with respect to swimming pools, which are lawfully maintained, natural bodies of water, storm water retention ponds and recreational types of ponds.
- 3.7 For the purpose of subsection 3.1 "cleaned and cleared up" includes the removal of weeds and/or grass more than 20 cm. (8 inches) in height in defined turf grass areas. Wild flower, meadow and naturalized areas are permitted provided they do not encroach within a 1 metre buffer strip of the lot line and that the areas are managed under the Weed Control Act.
- 3.8 Every Owner, shall keep hedges and trees adjacent to a public sidewalk or roadway cut and trimmed so as to allow safe unhindered passage.
- 3.9 Every Owner, shall keep their land clean and clear of all refuse or debris material of any kind.
- 3.10 Subsection 3.9 does not apply to managed forest or woodlots.
- 3.11 No person shall use any land or structure within the Township for dumping or disposing of refuse or debris material of any kind.
- 3.12 Subsections 3.8 and 3.9 do not apply to land or structures operated by the Region for the purpose of dumping or disposing of refuse or debris material or land or structures designated by by-law of the Municipality or the Region for the purpose of dumping or disposing of refuse or debris material or land which is being lawfully used for the storage of such materials under applicable zoning and licensing regulations or for properly managed home composting.

- 3.13 No person shall use any land or structure in the Township of Wilmot for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal unless the use of such land or structure is in conformity with the requirements of the Zoning By-Law.

Section 4: Liability

- 4.1 Every Owner, of the land is jointly and severally liable to ensure that the standards prescribed by the by-law are met.

Section 5: Right of Entry

- 5.1 For the purpose of ensuring compliance with the provisions of this by-law any Inspector, may at all reasonable times, enter upon and inspect any land or structures where garbage, refuse or waste material is located or kept.

Section 6: Administration and Enforcement

- 6.1 When any lands and/or structures are not maintained pursuant to the requirements of this By-Law the Inspector shall send Notice to the Owner at the address shown on the last revised assessment roll or to the last known address.
- 6.2 If the Owner, of any property fails to comply with anything required to be done in accordance with this by-law, the Township in addition to all other remedies shall:
- 6.2.1 Have the right, to repair the property accordingly, and for this purpose with its servants and agents from time-to-time to enter in and upon property.
- 6.2.2 Not be liable to compensate such Owner or any other person having an interest in the property by reasons of any thing done by or on behalf of the Township under provisions of this subsection and:
- 6.2.3 Have the right to recover from the Owner of the property any amount expended by or on behalf of the Township under the authority of this section and such amounts may be collected in like manner as Municipal taxes.
- 6.3 Every person who contravenes any provision described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in the Provincial Offences Act, R.S.O. 1990, C.P. 33 as amended.
- 6.4 It is hereby declared that each and every of the foregoing provisions of the By-Law is severable and that, if any provisions of this By-Law should, for any reasons, be declared invalid by the court, it is the intention and desire of this Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

Section 7: Enactment

That this by-law will come into force and effect and that By-law No. 2002-55 is rescinded upon final approval of the Set Fine Schedule by the Ministry of the Attorney General.

READ a first and second time this 26th day of July, 2004.

READ a third time and finally passed this 26th day of July, 2004.

Mayor

Clerk