

# Consolidated Version

BY-LAW NUMBER 2008-142, AS  
AMENDED BY BY-LAW NO. 2009-093 AND BY-LAW NO. 2010-013

OF THE

CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO REGULATE THE DRAINING,  
CLEANING AND CLEARING OF LANDS WITHIN THE  
TOWNSHIP OF UXBRIDGE

**WHEREAS** the Municipal Act, 2001, S.O. 2001, Chap. M45, as amended, provides that the Council of the Township of Uxbridge may pass a By-law to regulate draining, cleaning and clearing of any grounds, yards or vacant lots; and

**WHEREAS** the Council of the Township of Uxbridge deems it expedient to pass a By-law to provide for maintaining lands in a filled up, cleaned and cleared up condition,

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:**

## SECTION 1.

### DEFINITIONS

1. In this by-law,

- a) **“Cleaned and Cleared up”** shall include, but not be limited to, the trimming or cutting of weeds or grass more than 15 centimeters in height and the draining of standing or stagnant water;
- b) **“Council”** means the Council of the Township of Uxbridge;
- c) **“Debris”** includes, but is not limited to, any rubbish or material of any kind and without limiting the generality of the foregoing shall include disused furniture, garden refuse, earth or rock fill, old or decayed lumber, inoperative mechanical equipment, automotive and mechanical parts, materials from construction or demolition projects, discarded appliances, vehicles or trailers that, by reason of their appearance, mechanical condition or lack of current licence plates and/or validation sticker, appear to be inoperative, and includes any other thing deemed ‘debris’ where no evidence to the contrary exists;
- d) **“Expenses”** means, the cost of carrying out the work to be done by a Notice plus a twenty five (25) percent administration fee and shall include the costs of any work contracted out and will include all persons or agencies believed required to carry out the work or ensure the safety of any person carrying out the work;

- e) **“Litter”** includes any debris or litter left or abandoned in any place other than a receptacle or place for which it is intended or approved for such material;
- f) **“Natural Growth Area”** includes stormwater ponds or any other lands or property so designated by Council;
- g) **“Notice”** means, a Notice to Comply issued pursuant to this By-law;
- h) **“Occupant”** includes any Person or Persons in lawful control of any grounds, yards or vacant lots or identified by the most current assessment roll as being the occupant of the property;
- i) **“Officer”** means, a Municipal Law Enforcement Officer appointed to enforce the By- laws of the Township of Uxbridge;
- j) **“Owner”** includes any Person or Persons identified by the most current municipal Assessment Roll as being the owner of the property;
- k) **“Person”** means, an individual, firm, corporation, association or partnership, but does not include the Corporation of the Township of Uxbridge;
- l) **“Property”** means any grounds, yards or vacant lots.
- m) **“Township”** means the Corporation of the Township of Uxbridge.
- n) **“Trailer”** means a vehicle that is, at any time, drawn on a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon a highway.
- o) **“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, but does not include a motorized snow vehicle or street car

## **SECTION 2**

### **GENERAL PROHIBITIONS AND REQUIREMENTS**

- 2.1 Power of Entry, when used in connection with this by-law, means the power of entry as set out in the Municipal Act, 2001, S.O. 2001, Chap. M.25, Section 436 as may be amended from time to time;
- 2.2 Every Owner or Occupant shall keep the property drained of standing or stagnant water and cleaned and cleared up.
- 2.3 Every Person served with a Notice under Section 2.5 of this by-law shall comply with such Notice within the time provided by such Notice.
- 2.4 This by-law shall not apply to lands that are designated Natural Growth Areas and that are under the control of the Township
- 2.5 An Officer may, by Notice, require the Owner or Occupant of Property:

- a) to Clear and keep Clear the private drainage pipes and drainage ditches on the Property and keep them in good repair within ninety-six (96) hours of receipt of the Notice;
  - b) to Clean, Clear up or remove from the Property any Debris, Litter or any standing or stagnant water, within ninety-six (96) hours of receipt of the Notice;
  - c) to drain and fill up any hole, excavation or depression on the Property within ninety-six (96) hours of receipt of the Notice; and
  - d) to cut or trim weeds or grass that are over fifteen (15) centimeters within ninety-six (96) hours of receipt of the Notice.
- 2.6 A Notice under this by-law shall be served by registered mail to the Owner or Occupant of the Property, or by posting the Notice in a conspicuous place at the Property, or by delivering the Notice personally to the Owner or Occupant.
- Such Notice, when sent by registered mail to an Owner or Occupant of the Property, shall be sent to the address of the Owner or Occupant as shown on the most current Assessment Roll of the Township or to the last known address of the Owner or Occupant.
- 2.7 A Notice sent by pre-paid registered mail shall be deemed to be served to the Owner or Occupant five days after the date the Notice was sent. A Notice posted on the Property or delivered personally to the Owner or Occupant shall be deemed to have been served the day after the posting or the personal delivery, as the case may be.
- 2.8 Upon failure of an Owner or Occupant to comply with a Notice, the Township may, within the prescribed period of time and in addition to any other remedies, carry out the work as required in the Notice and for this purpose may, with its servants and agents, from time to time enter into and upon the Property.
- 2.9 The Township shall not be liable to compensate such Owner, Occupant or other Person having an interest in the Property by reason of anything done by or on behalf of the Township under the provisions of this By-law.
- 2.10 All expenses incurred by the Township or its servants and agents while performing any work on any Property under the provisions of this By-law shall be payable to the Township by the Owner or Occupant of the subject property and all such expenses shall be recoverable in a like manner as municipal taxes.

### **SECTION 3**

#### **EMERGENCY POWERS**

- 3.1 For the purposes of this By-law, "hazardous condition" includes Property identified by an Officer as posing an immediate threat to the safety or health of persons or animals and includes, but is not limited to, conditions identified by an Officer as negatively impacting neighbouring Properties.
- 3.2 For the purposes of this section, an Officer who finds a hazardous condition may enter any Property to remove or control such hazardous condition or to limit the negative impact on neighbouring Properties without the requirement of sending a Notice but a Notice shall be sent as soon as

practical after the removal or control of the hazardous condition or after limiting the negative impact on neighbouring Properties.

- 3.3 The costs of any work performed by or on behalf of the Township pursuant to this Section shall have added thereto a twenty-five (25) percent administration fee and shall include the costs of any work contracted out and works performed by any Persons or agencies that are required to carry out the work or to ensure the safety of any Person carrying out the work. All costs are recoverable in a like manner as municipal taxes.
- 3.4 The provisions of Section 2 shall apply to a Notice sent under Section 3 with the exception of Sections 2.3, 2.5(a)-(d), inclusive, and 2.8.

## **SECTION 4**

### **ADMINISTRATION AND ENFORCEMENT**

- 4.1 This by-law shall be administered by a Municipal Law Enforcement Officer.
- 4.2 This by-law shall be enforced by a Municipal Law Enforcement Officer

## **SECTION 5**

### **PENALTIES**

- 5.1 Every Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended from time to time.

## **SECTION 6**

### **SHORT TITLE**

- 6.1 This by-law may be referred to as the Clean and Clear By-law.

## **SECTION 7**

### **SEVERABILITY**

- 7.1 If a court of competent jurisdiction should declare any section or part of any section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

## **SECTION 8**

### **DATE EFFECTIVE**

- 8.1 This by-law shall come into force as of the date of its passing.

**BY-LAW read a FIRST, SECOND and THIRD time and finally passed this 27<sup>th</sup> day of October, 2008.**

**BY-LAW NUMBER 2009-093**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE**

**BEING A BY-LAW TO AMEND BY-LAW 2008-142,  
BEING A BY-LAW TO REGULATE THE DRAINING,  
CLEANING AND CLEARING OF LANDS WITHIN THE  
TOWNSHIP OF UXBRIDGE**

**WHEREAS** the Council of The Corporation of the Town of Uxbridge enacted By-law No. 2008-142, being a By-law to regulate the draining, cleaning and clearing of lands in the Township of Uxbridge, pursuant to the authority given under the Municipal Act;

**AND WHEREAS** the Council of The Corporation of the Township of Uxbridge deems it advisable to amend By-law No. 2008-142 in order to more effectively enforce the provisions of said by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE ENACTS AS FOLLOWS:**

1. **THAT** By-law No. 2008-142, for the regulation of draining, cleaning and clearing of lands in the Township of Uxbridge is hereby amended by deleting subsection 2.5 b) in its entirety and the new subsection 2.5 b) be added as follows:

“b) to Clean, Clear up or remove from the Property any Debris, Litter or any standing or stagnant water, within ninety-six (96) hours of receipt of the Notice; and.”

2. **THAT** this amending by-law shall come into force and effect upon passing.

**READ a FIRST, SECOND and THIRD TIME and finally passed this 13<sup>th</sup> day of July, 2009.**

**BY-LAW NUMBER 2010-013**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE**

**BEING A BY-LAW TO AMEND BY-LAW 2008-142, AS  
AMENDED, BEING A BY-LAW TO REGULATE THE  
DRAINING, CLEANING AND CLEARING OF LANDS  
WITHIN THE TOWNSHIP OF UXBRIDGE**

**WHEREAS** the Council of The Corporation of the Town of Uxbridge enacted By-law No. 2008-142, as amended, being a By-law to regulate the draining, cleaning and clearing of lands in the Township of Uxbridge, pursuant to the authority given under the Municipal Act;

**AND WHEREAS** the Council of The Corporation of the Township of Uxbridge deems it advisable to amend By-law No. 2008-142, as amended, in order to more effectively enforce the provisions of said by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWNSHIP OF UXBRIDGE ENACTS AS FOLLOWS:**

1. **THAT** By-law No. 2008-142, as amended, is hereby amended by deleting subsection 1. c) in its entirety and the new subsection 1. c) be added as follows:

“c) **“Debris”** includes, but is not limited to, any rubbish or material of any kind and without limiting the generality of the foregoing shall include disused furniture, garden refuse, earth or rock fill, old or decayed lumber, inoperative mechanical equipment, automotive and mechanical parts, materials from construction or demolition projects, discarded appliances, vehicles or trailers that, by reason of their appearance, mechanical condition or lack of current licence plates and/or validation sticker, appear to be inoperative, and includes any other thing deemed ‘debris’ where no evidence to the contrary exists;”

2. **THAT** By-law No. 2008-142, as amended, is hereby amended by adding subsections 1. n) and 1. o) as follows:

‘n) **“Trailer”** means a vehicle that is, at any time, drawn on a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon a highway.”

o) **“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, but does not include a motorized snow vehicle or street car.

3. **THAT** this amending by-law shall come into force and effect upon passing.

**READ a FIRST, SECOND and THIRD time and finally passed this 25<sup>th</sup> day of January, 2010**