



THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 32-2013

BEING A BY-LAW TO REGULATE THE MAINTENANCE OF LAND / CLEAN YARDS

WHEREAS, pursuant to the Municipal Act, S.O. 2001, c. 25, as amended, Sections 11 (1), 127 and 128 (1), a Municipality may pass by-laws respecting the health, safety and well-being of persons, and requiring the cleaning and clearing of land or clearing of refuse and debris from land, and prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS the Municipal Act, S .O. 2001, C.25, as amended, Section 436 (1), provides that the municipality may enter upon land at any reasonable time;

AND WHEREAS pursuant to the Municipal Act, S.O. 2001, c. 25, as amended, Section 446(1), if a Municipality has the authority to direct or require a person to do a matter of thing, the Municipality may also provide that in default of it being done by the person directed or required to do it, the matter or thing shall be done at the persons expense, and that the municipality may enter upon land at any reasonable time for such purposes, and further that the Municipality may recover the cost of doing such matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS The Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh deems it desirable to regulate the maintenance of land in order to enhance the quality of communities and/or neighborhoods, to protect the health, safety and well-being of the public and to ensure the continued enjoyment of property for residents and property owners of the Municipality;

AND WHEREAS the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh deems a public nuisance to allow weeds or grass more than 20 cm in height;

NOW THEREFORE the Council of the Township of Ashfield-Colborne-Wawanosh **ENACTS AS FOLLOWS:**

1. **Short Title**

This by-law may be cited as the “Clean Yards By-Law”.

2. **Definitions**

1. “Municipality” – means the Corporation of the Township of Ashfield-Colborne-Wawanosh.
2. “Naturalized Area” – means a landscape area that has been deliberately implemented to produce ground cover which consists of one or more species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof.
3. “Noxious Weeds” – means noxious weeds as defined by the Weed Control Act, R.S.O. 1990, as amended.
4. “Officer” – means a police officer or person appointed by by-law of the Township of Ashfield-Colborne-Wawanosh to enforce the provisions of this by-law.
5. “Order” – means an Order as set out in schedule “A” of this by-law.
6. “Owner” – means a registered owner of land, or any person in control of land, including a lessee or an occupant thereof.

7. “Zoning By-Law” – means Township of Ashfield-Colborne-Wawanosh By-Law #32-2008 as amended from time to time, or any successor thereof.

3. General Standards

1. Every owner, excluding agriculturally zoned lands, according to the zoning by-law, shall ensure that his or her land is kept free and clear of any:
 - a) weeds or grass that are more than 20 centimeters (8 inches) in height;
2. Where any property is not maintained in compliance with the provisions of this by-law, a Municipal Law Enforcement Officer shall give order to the owner, in writing, and sent registered mail to the last known address as shown on the last revised assessment roll of the municipality and or posted at the property in violation. The property shall be brought into compliance with the requirements of this by-law within a defined time period but such time period shall not be less than ninety-six (96) hours from date of service.
3. An Order shall set out the reasonable particulars of the contravention and the work to be done and date by which the work must be done.
4. An Order shall be in the form as set out in Schedule “A” to this by-law.
5. An Order shall be deemed served after 5 days from being mailed.
6. Where any property has been found not to be in compliance with an Order by the date stipulated on the Order, a Municipal Law Enforcement Officer in addition to the foregoing penalty, failure to comply with the provisions of this by-law shall result in the municipality undertaking to complete the work and any costs associated with the work shall be billed and collected to the person in a like manner as real taxes. A 15% administration fee shall also be applied to this process.
7. Where a property is a repeat violation of this by-law the Order may be posted at the property and will be deemed served when posted at the property in violation.

4. Entry On Land

1. An officer or any other person appointed for the purpose of enforcing this by-law,
 - (a) has the power to enter upon and examine any lands, yards, vacant lots, grounds at any reasonable time or times, and
 - (b) may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this by-law.

5. Enforcement

1. This by-law shall be enforced by an officer or any other person appointed for the purpose of enforcing this By-law,

6. Offences

1. Every person shall comply with an Order.

7. Severability

In the event that any of the provisions of this by-law are deemed ultra vires by any Court of Competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

8. Effective Date

The effective date of this By-Law shall be the date of final passage thereof.

Read a FIRST and SECOND time this 18th day of June, 2013.

Read a THIRD TIME and FINALLY PASSED this 18th day of June, 2013.

Original signed by
Reeve, Ben VanDiepenbeek

Original signed by
Administrator/Clerk-Treasurer, Mark Becker

**BY-LAW #32-2013
SCHEDULE "A"**

ORDER

TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH
82133 Council Line
RR 5
Goderich, Ontario
N7A 3Y2

DATE ISSUED:

ISSUED TO:

ADDRESS:

REFERENCE:

For Businesses:

REGISTERED NAME:

OPERATING NAME:

An inspection revealed that a provision(s) of a Municipal by-law is being contravened. You are hereby directed to correct the following violation(s) by _____ Charges MAY be forthcoming if the violation is not corrected within the time shown above. The Municipality has the right to correct the violation listed below, the cost will be billed to your taxes and be collected as real taxes. This Order DOES NOT authorize continuance of the violation(s).

MUNICIPAL BY-LAW	VIOLATION(S)
By-law #	
Note:	
Note:	

If you wish to discuss this matter further with the Officer, please leave a message for the undersigned at (519)-524-4669 and your call will be returned.

Officer Signature

Date

Time