

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 14-2007

Being a by-law requiring properties to be maintained and kept clear of waste (consolidated with By-laws N° 70-2008, 81-2009 & 49-2011)

WHEREAS the Municipal Act S.O. 2001, Sections 127, 128 and 131 provide that a municipality may require the owner or occupant of land to clean and clear the land or to clear refuse or debris from the land, may prohibit and regulate with respect to public nuisances, may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition.

AND WHEREAS the Municipal Council of the Town of Hawkesbury deems it necessary to update By-law N° 31-97 adopted in 1997;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

DEFINITIONS

1. For the purpose of this by-law;
 - a) **Corporation** means the Corporation of the Town of Hawkesbury.
 - b) **By-law Enforcement Officer** means the officers in charge of the By-law enforcement of the Corporation of the Town of Hawkesbury.
 - c) **Property** shall mean any land privately owned including yards, vacant or built lots and any part of a lot which is not beneath a building.
 - d) **Residential Zone** shall mean properties that are zoned residential as per the Zoning By-law N° 84-94 as amended of the Corporation of the Town of Hawkesbury.
 - e) **Waste** shall include refuse, garbage or debris of any kind whatsoever and without limiting the generality of the foregoing includes rubbish, wrecked, dismantled, inoperative or unused vehicles, machinery, boats, aircrafts or mechanical equipment or any part thereof or any vehicle that does not have a current validated permit and a number plates displayed thereon as required under the Highway Traffic Act, or any boat that does not have the license required under the Small Vessel Regulations, furnaces, water and fuel tanks, furniture, refrigerators, freezers, stoves and other appliances whether operative or inoperative, glassware, plastic, cans, paper, cardboard, garden refuse, kitchen table waste, animal faeces, grass clippings, leaves, trees, tree branches, earth or rock fill, snow, material from construction or demolition projects, clothing and bedding. (replaced by By-law N° 81-2009)
 - f) **Yard, exterior side** shall mean a side yard immediately adjacent to a public street.

- g) **Yard, front** shall mean the space extending across the full width of a lot between the front lot line and the nearest part of any main wall of any building or structure on the lot.
 - h) **Yard, rear** shall mean the space extending across the full width of a lot between the rear lot line and the nearest part of any rear wall of any main building or structure on the lot. In the case of a lot with no rear lot line, the rear yard shall be the area between the point where the side lot lines meet and the nearest part of any rear wall of any main building or structure and the lot and extending the full width of the lot.
 - i) **Yard, side** shall mean the space extending from the front yard to the rear yard and from the side lot line to the nearest part of any side wall of any building or structure on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.
2. No person shall store, keep, dump, throw or blow any waste on any property either belonging to this person, on another person's property or any property belonging to the Corporation or cause such waste to remain thereon.
 3. No person shall cause or allow any snow to be dumped, thrown, placed, pushed or deposited onto any property within the Corporation without prior written authorization from the owner or occupant.
 4. No person shall place out on the roadway for disposal any refrigerators, freezers or similar appliances or containers without having first removed all doors and all locks therefrom or taking such other adequate precautionary measures to prevent any person from being trapped in such refrigerators, freezers or similar appliances or containers.
 5. Refrigerators or freezers in working order, secured with an external locking device and locked at all times, except when actually being used and supervised, are authorized in the side yards and back yards. No person shall keep such refrigerators or freezers in the front yard or the exterior side yard.
 6. No person shall fail to maintain their hedges and bushes trimmed on a regular basis within any Residential Zones.
 7. No person shall fail to keep all yards clean and free from any dead, decayed or damaged trees, bushes or hedges and branches or limbs thereof which are susceptible of creating an unsafe or unsightly condition, a fire or accident hazard, or of causing damages to neighboring properties. **(added by By-law N°49-2011)**
 8. No person shall fail to keep and maintain water in a swimming pool in such a condition that it is unhealthy, unsanitary, stagnant, malodorous or becomes a breeding place for insects. **(added by By-law N°49-2011)**
 9. No person shall fail to keep clean and the grass maintained on a regular basis of all built or vacant and non-forested properties in Residential Zones of less than 929 m² (10 000 s.f.) including the grass and weeds on the highway abutting the owner's property, wherever such highway is reasonably accessible for maintenance. (Amended by By-law N° 70-2008)
 10. No person shall fail to keep clean and the grass maintained on a regular basis on a depth of 30 m (100 feet) from the lot line of all built or vacant and non-forested properties of more than 929 m² (10 000 s.f.) abutting a residential dwelling.

11. No person shall keep or store on any property any used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition.
12. No person shall fail to grade and to cover with grass any property in a Residential Zone to prevent erosion and sedimentation.
13. No person shall fail to eliminate noxious plants, as defined by the Weed Control Act, R.S.O. 1990, c.W 5, such as ragweed, poison oak and poison ivy from any property.
14. Nothing in this by-law shall be deemed to interfere with the filling or raising of properties with earth or rock fill done in the course of building operations in process or the disposal of waste on any lands which have been designated for that purpose by by-law of the Corporation.
15. No person shall interfere, obstruct or hinder in any way with the By-law Enforcement Officers in the enforcement of the provisions of the present by-law.

ENFORCEMENT

16. Any person who contravenes any of the provisions of the present by-law is guilty of an offence and is liable to the penalty provided for under the Provincial Offences Act, R.S.O. 1990, Chapter 33, as amended.
17. Each day of contravention to the present by-law is a distinct offence.
18. When any property is not maintained pursuant to the requirements of the present by-law, the By-law Enforcement Officer shall send a notice by registered mail or personal service to the owner or occupant at their last known address requiring them to make the property conform to the requirements of this by-law and the notice shall specify the time allowed for compliance. Said notice shall clearly indicate that no further notices will be sent for a same offence, and that a fine will be issued thereafter or the work will be done at the offender's expense, as per Section 18. (Amended by By-law N° 70-2008)
19. A By-law Enforcement Officer may, at all reasonable times and upon producing proper identification, enter upon any property for the purpose of an inspecting the property to determine if the property conforms to the standards prescribed in the present by-law.
20. Where notice has been sent by the By-law Enforcement Officer pursuant to Section 16 of this by-law and the requirements of the notice have not been complied with, the By-law Enforcement Officer may cause the work to be done and the Corporation may recover such expense plus an administration fee of 15% by action or in a like manner as municipal taxes. The waste that is removed in accordance with the present section, shall be immediately disposed of by the By-law Enforcement Officer.
21. In addition to the imposition of a fine or other remedy, a court of competent jurisdiction may, upon conviction of an offence under the by-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted and order the remedy of the derogatory situation.

**READ FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 26TH DAY OF MARCH 2007.**

Clerk

Mayor