

**THE CORPORATION OF THE MUNICIPALITY OF BLUEWATER
BY-LAW NUMBER 118-2019**

Being a By-law for Requiring and Regulating the Maintenance of Private Property in a Clean and Clear Condition

WHEREAS under Section 127 of the *Municipal Act* 2001, S.O., 2001 as amended, a local municipality may pass by-laws for requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings; and to regulate when and how matters shall be done; and to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and to define "refuse" for the purpose of the by-law;

AND WHEREAS Section 446 of the *Municipal Act* 2001 authorizes municipalities to direct that where an owner has defaulted, the municipality may have the default remedied at the owner's expense and add the cost of the property tax roll;

AND WHEREAS a zoning by-law is in effect in the Municipality of Bluewater applying to lands in the Municipality of Bluewater to regulate the use of land and the erection, location and use of buildings and structures;

NOW THEREFORE the Council of the Municipality of Bluewater enacts as follows:

1. This By-law may be referred to as the "Lot Maintenance By-law".

2. Definitions in this By-law:

2.1 "Settlement Area" shall mean lands designated as Urban and Lakeshore Residential in the Municipality of Bluewater Official Plan as amended.

2.2 "Cleared" shall mean the removal of weeds or grass more than 20 centimeters (8 inches) in height and the removal of stockpiles of soil or other earthen material not required for lawn or garden-related purposes or to complete the grading of the lot on which the stockpile is located.

2.3 "Domestic Refuse" shall mean any article, thing, matter or effluent belonging to or associated with a place of residence that appears to be waste material, and includes, but is not limited to:

- Grass clippings, tree cuttings, brush, leaves and garden refuse;
- Paper, cardboard packaging and wrapping;
- Kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of foods;
- Cans, glass, plastic containers, dishes;
- New or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure.
- Refrigerators, stoves, dishwashers, freezers or other appliances and furniture;
- Bathroom fixtures and plumbing parts and materials
- Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- Derelict or abandoned motor vehicles; motor vehicle parts and accessories;

- Tires;
 - Derelict machinery and equipment;
 - Rubble and inert fill;
 - Sewage.
- 2.4 "Excavation" shall mean any man-made opening or depression in the ground, but shall not include a pit licensed under the Aggregate Resources Act, an abandoned pit, an irrigation pond, a fish pond or a water garden.
- 2.5 "Irrigation Pond" shall mean a body of water situated outdoors, contained by natural or artificial means and designed, used or intended for irrigation purposes and not for recreational purposes.
- 2.6 "Fence" shall mean a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal, vinyl, plastic or other manufactured material, or combination thereof, which is continuous throughout its entire length where required, save and except where access areas and lines of sight are required for safety purposes.
- 2.7 "Industrial Refuse" shall mean any article, thing, matter or effluent belonging to, or associated with, industry or commerce or concerning or relating to any manufacturing process or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes, but is not limited to:
- Pipes, tubes, conduits, cable, fittings or adjuncts thereof;
 - Containers of any size, type or composition;
 - Rubble and inert fill;
 - Derelict or abandoned motor vehicles, motor vehicle parts and accessories including tires;
 - Derelict machinery and equipment;
 - Articles, things, matter or effluent which is whole or in part or fragments thereof, and derived from or are constituted from or consists of agricultural, animal, vegetable, papers, lumber or wood products; or mineral, metal or chemical products, whether or not the products are manufactured or otherwise processed;
 - Bones, feathers, furs, hides;
 - Paper, cardboard packaging and wrapping;
 - Material resulting from, or as part of, construction or demolition;
- 2.8 "Land" shall mean grounds, property, yards or vacant lots or any part of a lot which is not beneath a building.
- 2.9 "Landscaped Open Space" shall mean open space comprised of lawn and/or ornamental shrubs, flowers and trees and may include space occupied by paths, walks, and patios, but shall not include parking areas, traffic aisles, driveways, ramps, sports courts (such as tennis or basketball courts), or areas used for the storage of equipment, vehicles or other materials.
- 2.10 "Motor Vehicle" shall mean an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power.

- 2.11 "Motor Vehicle, Derelict or Abandoned" shall mean a motor vehicle that is in a state of advanced disrepair having missing or damaged parts or deteriorated body conditions which render it inoperative, and may include a motor vehicle that has been evidently abandoned by its owner and left in a place or state of apparent disuse or disinterest by the owner, regardless of whether it is either operable or inoperable or licensed or unlicensed for operation. The motor vehicle must have current plates and tags that belong to the motor vehicle in question.
- 2.12 "Motor Vehicle, Restorable" shall mean a motor vehicle of such an age or other unique quality or category that the owner thereof can demonstrate and has demonstrated a credible intention to restore same to its original or comparable condition, and the said motor vehicle is being stored in a manner in keeping with the said intention to restore same.
- 2.13 "Municipality" shall mean the Corporation of the Municipality of Bluewater.
- 2.14 "Naturalized Area" shall mean a portion of a lot which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of native species or other species to emulate a natural area.
- 2.15 "Owner" shall mean the person or legal entity who or which holds legal title to land and includes the lessee and occupant of the land.
- 2.16 "Perennial Garden" means an area planted to produce ground cover, including flowers, shrubs, perennials, ornamental grasses or combinations thereof.
- 2.17 Provincial Offences Officer (POO), By-law Enforcement Officer (BLEO), Municipal Law Enforcement Officer (MLEO) shall mean the person appointed, by by-law, by the Municipality for the purposes of administering and enforcing the provisions of this By-law.
- 2.18 "Rubble" shall mean broken concrete, bricks, broken asphalt, patio or sidewalk slabs or combination thereof.
- 2.19 "Sewage" shall mean any waste containing animal, human, vegetable 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 water run-off.
- 2.20 "Sight triangle" shall mean the triangular space on a corner property formed by the street lines and a line drawn from a point on one street line to a point on the other street line, each such point being 7.5 meters measured along the street line from the point of intersection of the street lines. Where the two streets lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection from the straight portion of the street lines.
- 2.21 Waste, Domestic shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:
- grass clippings, tree cuttings, brush, leaves and garden refuse;
 - paper, cardboard, clothing;
 - all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container or in a compost pile no larger than 1 square meter in area and 1.8 meters in height;

- cans, glass, plastic containers, dishes;
 - new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
 - refrigerators, freezers, stoves or other appliances or furniture;
 - furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - discarded motor vehicles, vehicle parts and accessories, vehicle tires unmounted or mounted on rims, mechanical equipment excluding farm vehicles used in normal farm operations;
 - rubble, inert fill, fencing material.
- 2.22 Waste, Industrial 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:
- piping, tubing, conduits, cable, fittings or other accessories or adjuncts to the piping, tubing, conduits or cable;
 - containers of any size, type or composition;
 - rubble, inert fill;
 - mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
 - articles, things, matter, effluent which are in whole or in part are derived from or are constituted from or consist of,
 - agricultural, animal, vegetable, paper, lumber or wood products, or
 - mineral, metal or chemical products;
 - whether or not the products are manufactured or otherwise processed;
 - bones, feathers, hides;
 - paper or cardboard packaging or wrapping;
 - material resulting from, or as part of, construction or demolition projects;
 - discarded motor vehicles, vehicle parts and accessories, vehicle tires unmounted or mounted on rims excluding farm vehicles used in normal farm operations.
- 2.23 Wildflower Meadow means a specialized habitat dominated by native species of flowers and grasses.
- 2.24 Wetland means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface so that the presence of abundant water has caused the formation of hydric soils (soils that need much moisture) and has favoured the dominance of either hydrophylic (having an attraction of affinity for water) or water tolerant plants. Lands being used for agricultural purposes that are periodically "soaked" or "wet" are not considered to be wetlands in this definition.
- 2.25 "Yard" shall mean the land around and appurtenant to the whole or any part of a building, and used or intended to be used or capable of being used in connection with that building and, notwithstanding the foregoing, shall mean land as defined herein.

3. Prohibited Matters

- 3.1 No owner shall, unless otherwise exempted by this By-law, fail to clear land of domestic refuse and or industrial refuse.
- 3.2 No owner shall, unless otherwise exempted by this By-Law, fail to enclose and excavation in accordance with Section 4.
- 3.3 No owner shall, unless otherwise exempted by this By-Law, fail to drain an accumulation of water exceeding 30 centimeters in depth.
- 3.4 No owner shall, unless otherwise exempted by this By-law, deposit domestic waste or industrial waste on land without consent of the owner.

4. Ponds and Excavations

- 4.1 Every owner shall fill in any excavation to adjacent grade with non-contaminated fill unless:
 - Construction is proceeding for which a valid building permit has been issued,
 - It is a licensed gravel pit or quarry or an approved wayside pit
- 4.2 Every owner shall drain land of accumulations of water that exceed 30 centimeters (12 inches) in depth unless the water:
 - Is completely enclosed by a barrier of at least 1.0 meters in height; or
 - Constitutes a storm water management pond approved by the Municipality;
 - Constitutes a natural body of water or results from the periodic flooding of a natural watercourse; or
 - Constitutes an irrigation pond; or
 - Constitutes a water garden or fish pond; or
 - Constitutes a private drain or a municipal drain; or
 - Constitutes a legally maintained swimming pool provided that such pool is completely enclosed by a closure as defined in the Swimming Pool Enclosure By-Law, as amended from time to time.

5. Drainage

- 5.1 Storm water runoff from any downspout or any impervious surface shall be directed away from neighboring lands. Lands shall be graded and maintained to prevent ponding or the entry of water into a basement or cellar.
- 5.2 Ditches, private drains, swales and watercourses shall be maintained to facilitate the unimpeded flow of water and prevent ponding.
- 5.3 No storm water or roof water shall be discharged onto a sidewalk, walkway, steps, porch or other pedestrian access which may be hazardous or result in a potential safety risk.
- 5.4 No weeping tile, foundation drain, roof drain, or land drain shall be connected or discharged into any sanitary sewage system.
- 5.5 Only Indirect connections of weeping tile, foundation drains, roof drains or land drains shall be made to storm drainage system.

6. Waste on Land

- 6.1 Every owner shall keep his land cleaned, cleared and free from domestic refuse and industrial refuse, unless:
- The land is zoned for the purpose of outdoor storage of domestic refuse and industrial refuse; or
 - The land is owned, licensed and used by the Municipality for the purposes of dumping or disposing domestic refuse and/or industrial refuse.
- 6.2 Farm activities and Nutrient Management
- Despite section 3.4, this by-law shall not apply so as to prevent the spreading of nutrients on farmland in accordance with acceptable farm practices and/or in accordance with an approved Nutrient Management Plan.
- 6.3 Notwithstanding Section 6.1 to the contrary, land may be used for the sales and display of household goods, furnishings apparel and similar articles provided such sale and display is limited to not more than three days in any calendar year.
- 6.4 Leaves, twigs, branches, grass clippings, plants and other biodegradable matter may be composted on land provided such composting is confined to a rear yard, is situated at least one (1.0) meter from a property line, is no larger than 1 square meter in area and 1.8 meters in height, and is undertaken in a manner which prevents any noxious odours.

7. Derelict or Abandoned Motor Vehicle and Similar Items

- 7.1 Lands shall be kept free and clear of derelict or abandoned motor vehicles, railway cars, trailers, boats and street car bodies unless such land;
- is zoned as a salvage yard by the Municipality; or
 - constitutes a waste disposal site for which a Certificate of Approval or a provisional Certificate of Approval has been issued under the Environmental Protection Act; or
 - constitutes a permitted use and is in conformity with the Zoning By-Law, or otherwise constitutes a legal non-conforming use under the Planning Act.

8. General

In addition to all other requirements of this By-law, the following regulations shall apply:

- 8.1 Weeds and grass shall not be permitted to grow or stand greater than 20 centimeters (8 inches) in height.
- 8.2 Hedges and trees adjacent to a public sidewalk or road shall be cut and trimmed so as to permit safe and unhindered passage.
- 8.3 Yards shall be kept free from undergrowth or underbrush, and from dead, decayed or damaged trees, and branches and limbs which may create an unkempt or unsafe condition, including a potential fire hazard, or harbor pests or vermin.
- 8.4 Yards shall be maintained as landscaped open space except where otherwise occupied by buildings and structures, driveways, fences, and/or patios or decks.
- 8.5 Within a sight triangle, no shrubs or foliage shall be planted or maintained and no fence shall be erected or maintained greater than 0.75 meters in height above the centerline

grade of the intersecting streets with the exception of the Core Area Commercial C4 Zone.

- 8.6 All sidewalks, driveways, parking areas and loading areas shall be maintained in good condition, so as to afford safe passage under normal use and weather conditions.
- 8.7 All fences shall be maintained in a safe and structurally sound condition and reasonable plumb unless specifically designed to be other than vertical. Wood fences shall be protected by preservative, paint or other weather resistant material unless constructed from pressure treated lumber.
- 8.8 All lands shall be kept free of rodents, vermin, termites and other injurious insects and pests.
- 8.9 Perennial gardens, wildflower meadows and/or naturalized areas are permitted provided they are managed in accordance with the Weed Control Act and provided the gardens, meadows and/or areas do not encroach upon a buffer strip of 0.6 meters (2 feet). Where a fence is located on the lot line, a buffer strip is not required.

9. Inspections and Notice

- 9.1 The following persons are appointed to enforce this by-law are and not limited to By-law/Municipal Law Enforcement Officer/Provincial Offenses Officer, and/or persons appointed by the Municipality of Bluewater. The By-law Enforcement Officer may enter onto land and/or inspect any land for the purpose of determining whether the land complies with the provisions of this By-law.
- 9.2 The By-law Enforcement Officer may post a notice and or mail a notice by prepaid first class mail sent to an owner, requiring that the owner, with the time specified by the notice, take such actions that may be necessary to bring such lands into compliance with the terms, conditions and requirements of this By-law. Every notice given by the By-law Enforcement Officer shall identify the land and describe the conditions which contravene the provisions of this By-law.
- 9.3 Every notice given by the By-law Enforcement Officer to an owner shall be sent by registered mail and or posted on the property, to the address shown on the last revised assessment roll or to the last known address.
- 9.4 The By-law Enforcement Officer may, upon such further notice as he deems appropriate, undertake such measures or actions as may be necessary to ensure compliance with the By-law at the expense of the owner of the lands affected and, where the expenses incurred by the Municipality are not paid within a reasonable period of time, the Municipality may recover same in like manner as taxes in accordance with the provisions of the Municipal Act, including all costs associated with By-law Enforcement.

10. Default

- 10.1 Where the owner is in default of doing a matter or thing required to be done under this By-law, the By-law Enforcement Officer/MLEO/POO may, upon such notice as the By-law Enforcement Officer deems suitable, take such actions and complete such works as may be necessary to remedy the owner's default and bring the land into compliance with the terms and requirements of this By-law.
- 10.2 Where any of the matters of things so removed are removed in accordance with the by-law.

- 10.3 The matter or things may be immediately disposed of by the Municipality.
- 10.4 The Municipality shall recover all expenses incurred in undertaking any removal referred to in Section 10.1 herein by action in a court of competent jurisdiction or, otherwise in like means as municipal taxes.

11. Offence

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty under the Provincial Offences Act, in accordance with Schedule "A" attached hereto.
- 11.2 Upon conviction, the court in which the conviction 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, and such order shall be in addition to any other penalty imposed on the person convicted.

12. Gender

- 12.1 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.

13. Severability

- 13.1 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 the Municipality to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

14. Effective Date

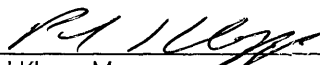
- 14.1 This By-law shall come into force on the date of passing thereof.
- 14.2 That By-law 56-2002 is hereby repealed.

15. Schedules


- 15.1 Schedule "A" (Set Fine Schedule) attached hereto forms part of this By-law.

By-law read a first and second time this 18th day of November, 2019.

By-law read a third time and finally passed 18th day of November, 2019.



Paul Klopp, Mayor



Chandra Alexander, Clerk

SCHEDULE 'A' TO BY-LAW NUMBER 118-2019

PART 1 – Provincial Offences Act

Set Fine Schedule

ITEM	Short Form Wording		Set Fine
1.	FAILURE TO CLEAR LAND OF DOMESTIC OR INDUSTRIAL WASTE	Sec. 3.1	\$350.00
2.	FAILURE TO ENCLOSE AN EXCAVATION	Sec. 3.2	\$350.00
3.	FAILURE TO DRAIN WATER FROM LAND	Sec. 3.3	\$350.00
4.	DEPOSTING DOMESTIC OR INDUSTRIAL WASTE WITHOUT CONSENT	Sec. 3.4	\$250.00
5.	ILLEGAL CONNECTION AND/OR DISCHARGE INTO A SANITARY SEWER SYSTEM	Sec.5.4	\$500.00
6.	ILLEGAL CONNECTION AND/OR DISCHARGE INTO A STORM DRAINAGE SYSTEM	Sec 5.5	\$500.00
6.	FAILURE TO KEEP LAND CLEAR AND CLEAN	Sec. 6.1	\$350.00
7.	FAILURE TO REMOVE DERELICT VEHICLE	Sec. 7	\$250.00
8.	FAILURE TO MAINTAIN GRASS AND WEEDS	Sec. 8.1	\$250.00
9.	FAILURE TO TRIM HEDGES, BRUSH AND TREES	Sec. 8.2	\$350.00
10.	FAILURE TO CLEAR LAND OF OVERGROWTH	Sec. 8.3	\$250.00
11.	BLOCKING A SIGHT TRIANGLE CREATING UNSAFE CONDITION	Sec. 8.5	\$350.00
12.	FAILURE TO MAINTAIN SIDEWALKS AND PARKING AREAS	Sec. 8.6	\$250.00
13.	FAILURE TO MAINTAIN A FENCE	Sec. 8.7	\$250.00
14.	FAILURE OF KEEP LAND CLEAR OF VERMIN	Sec. 8.8	\$250.00

NOTE: The general penalty provision for the offences listed about is Section 11 of By-law 118 of 2019, as amended, a certified copy of which has been filed.