

THE CORPORATION OF THE CITY OF ELLIOT LAKE

***B*Y-LAW No. 21-14**

Being a by-law for the
maintenance and care of yards in
the City of Elliot Lake

WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, c.25, authorizes Council to pass by-laws for the health, safety and well-being of persons;

AND WHEREAS Section 127 of the *Municipal Act*, 2001, S.O. 2001, c.25, authorizes Council to pass by-laws to require the owner or occupant of land to clean and clear the land or to clear refuse and debris from the land;

AND WHEREAS Section 128 of the *Municipal Act*, 2001, S.O. 2001, c.25, authorizes Council to pass by-laws with respect to public nuisances, including matters that, in the opinion of Council, are or could become a public nuisance;

AND WHEREAS Section 446 of the *Municipal Act*, 2001, S.O. 2001, c.25, authorizes the Municipality to require a person to do a matter or thing and, in default of its being done by the person directed or required to do it, the matter or thing shall be done at the owner's expense and the cost may be added to the tax roll;

AND WHEREAS the Council of the Corporation of the City of Elliot Lake deems it necessary for the health, safety and welfare of its inhabitants to enact a by-law requiring owners and occupants of land to maintain their land free from refuse, debris, excessive growth of grass and weeds and conditions which may pose an unsafe condition;

NOW THEREFORE the Council of the Corporation of the City of Elliot Lake hereby enacts as follows:

SHORT TITLE

This by-law shall be known as the "Clean Yards By-Law".

DEFINITIONS

1. In this by-law,

“Administration fee” means the costs incurred by the City for the administration and enforcement of this by-law and shall be in accordance with the Municipal User Fees by-law.

“Boulevard” means all parts of a highway between the curb or edge of roadway and the street line, exclusive of the area covered by sidewalk.;

“By Law Enforcement” means By Law Enforcement Officers for the Corporation of the City of Elliot Lake or any of his or her designates;

“Debris” includes refuse, waste discarded materials or garbage of any kind whatsoever and includes, however is not limited to, any of the following, whether of value or not:

- Accumulations of litter, remains, garbage, rubble, waste, construction material;
- Weighty or bulky items, such as appliances, furnaces, furnace parts, pipes, pipe fittings, water or fuel tanks placed in a condition or location where they cannot or are not being used for their intended purpose;
- Paper, boxes, cartons;
- Dilapidated or abandoned furniture;
- Crockery, glass, cans, containers;
- Garden refuse and trimmings;
- Post-construction and/or demolition project materials;
- Domestic and industrial waste;
- Earth or rock fill;
- Mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purpose, and;
- Clothing or other household linens lying in an unprotected condition.

“Grass” means all forms, types and species of grass, weeds, and/or any other plant material;

“Inoperative Vehicles” means licensed or unlicensed motor vehicles, trailers, boats, snow mobiles having missing, damaged, deteriorated or removed parts, including, but not limited to, wheels, motor transmissions, doors, glass, or other parts or mechanical equipment necessary for its safe operation;

“Street Line” A lot line dividing a lot or other area from a street. The street line is the line created where the sidewalk and property meet. If there is no sidewalk then the street line is determined to be located at 10 meters or 32.8 feet from the center line; and,

“Yard” means a space appurtenant to a building or a structure located on the same lot as the building or structure and which space is open, uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or uses as are specifically permitted.

PROPERTY MAINTENANCE

2. Every yard, including vacant lots, shall be kept clean and free from:
 - a) Debris, refuse, waste, discarded materials and garbage;
 - b) Grass in excess of 20 cm, as measured for both the boulevard and within the property lines thereof;
 - c) Heavy undergrowth and excessive growth of weeds;
 - d) Dead, decaying or damaged trees or other natural growth or branches, or limbs that create an unsafe condition;
 - e) Anything that constitutes an unsafe condition;
 - f) Broken glass from any source, including glass from windows, doors and vehicles;
 - g) Holes, pits, excavations or trenches constituting an unsafe condition;
 - h) Inoperative, wrecked or dismantled vehicles or other machinery or any part thereof, except in an establishment licensed or authorized to conduct and operate such a business;
 - i) Dilapidated, collapsed, abandoned or partially constructed structures;
 - j) Dilapidated, collapsed, abandoned or partially constructed fences;

- k) Abandoned or discarded appliances such as refrigerators, stoves, and freezers;
- l) Post-construction or demolition material resulting from, or as a part of, construction or demolition projects.

ADMINISTRATION AND ENFORCEMENT

- 3. The By-law Enforcement Department shall be responsible for the administration and enforcement of this by-law.
- 4. Where a yard is in any of the conditions set out in paragraph (2) above of this by-law, the City shall notify the owner or occupant of the property in writing of the breach of the condition of this by-law. The owner or occupant shall have a minimum of seven (7) days to bring his or her yard into compliance with the provisions of this by-law.
- 5. Where an owner or occupant has received notice of breach of a condition, the owner or occupant may request from the By-law Enforcement Department, an extension of time to achieve compliance.
- 6. A By-law Enforcement Officer, may, where reasonable in the circumstances, extend compliance for a reasonable time. The reasonable time for compliance shall be determined by the By-law Enforcement Officer, in his or her exclusive discretion.
- 7. After the passage of a reasonable time and in accordance with Section 436(1) and (2) of the *Municipal Act*, 2001, S.O., 2001, c.25 and amendments thereto, By Law Enforcement may enter onto the property for the purpose of determining if compliance has been achieved.
- 8. If, after an inspection as set out in paragraph 7 above, and after such reasonable time has passed as set out in paragraph 6 above, a By-law Enforcement Officer determines that the property or any portion thereof, remains in a non-compliant condition, the By-law Enforcement Officer may enter onto the premises and perform any work necessary or authorize the entry and performance of the work by a competent contractor for the purpose of the same. The work shall be done at the expense of the owner of the property and the cost of such work and any associated administrative fees, shall be then due and payable to the City.

9. The City may recover the cost of such work and any associated administrative fees, in the same manner as municipal taxes.
10. In addition to the enforcement provisions set out in this by-law, the City may proceed with prosecution of the owner for breach of the provisions of this by-law.

OFFENCE AND PENALTY

11. Every person or owner/occupant who contravenes any provision of this by-law or who fails to comply with the notice to comply is guilty of an offence.
12. Every person or owner/occupant convicted of an offence contrary to the provisions of this by-law in a proceeding commenced under Part 1 of the *Provincial Offences Act*, R.S.O. 1990, C.P.33, is guilty of an offence and upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, C.P. 33, as amended.

OBSTRUCTION

13. No person shall hinder or obstruct, or attempt to hinder or obstruct any person exercising a power of performing a duty under this by law.

SEVERABILITY

14. If any article or provision of this by-law is for any reason held to be invalid, the remaining articles and/or provisions shall remain in effect until repealed.

ENACTMENT

15. This by-law shall come into full force and effect upon the day of passing.

Passed this 8th day of March, 2021

MAYOR

CITY CLERK

CERTIFICATION BY THE CLERK:

I, N. Bray, Clerk of the Corporation of the City of Elliot Lake, do hereby certify that the above is a true certified copy of By-Law-21-14 which was passed in Open Council on the 8th day of March, 2021



N. BRAY