

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NO. 2024-43

A By-Law to provide for the maintenance of land in a clean and clear condition and to repeal by-law 2019-14.

WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may require 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 WHEREAS the Town has passed an Administrative Monetary Penalties System By-law;

NOW THEREFORE, the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1.0 DEFINITIONS

- 1.1 All words used in this by-law shall be interpreted as defined in this by-law. Where definitions are not provided herein, the words shall be defined as provided firstly in the most current editions of the Building Code Act and the Ontario Building Code, and the Ontario Fire Code. Finally, any remaining words shall be defined in the Dictionary in the context of the by-law application.
- 1.2 **'AMPS By-law'** means the Town's Administrative Monetary Penalties By-law, as may be amended from time to time;
- 1.3 **'Director'** means the General Manager – Development Services, or his/her designate or successor.

2.0 PROPERTY MAINTENANCE

- 2.1 No owner or occupant shall fail to keep his or her land free and clear of all garbage, refuse, domestic or industrial waste of any kind, and shall ensure that his or her land is free and clear of infestation, as outlined in Schedule 'A'.
- 2.2 No owner or occupant shall fail to trim or cut weeds or turf grass, whether dead or alive, that is more than 30 cm in height.
- 2.3 No owner or occupant shall fail to keep vegetation other than weeds and turf grass, trimmed and kept from becoming unreasonably overgrown, supporting infestation, under grown causing erosion or in a fashion that may affect safety, visibility, or the passage of the general public.

- 2.4 Exterior property areas shall be kept in a neat and tidy condition, and free from:
- 2.4.1 injurious insects, termites, rodents, vermin and other pests;
 - 2.4.2 noxious weeds and excessive growths of other weeds and grass;
 - 2.4.3 dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which creates an unsafe or unsightly condition;
 - 2.4.4 domestic storage such as firewood, building materials, garden equipment and materials, unless such is stored neatly, but not in the front, interior or exterior side yard setbacks;
 - 2.4.5 storage or placement of trash, organics or recycling receptacles in the interior or exterior side yard setbacks;
 - 2.4.6 suitable ground cover shall be provided to prevent erosion of the soil. Where grass from a part of the ground cover, and such grass has been killed due to the application of calcium chloride or other chemical to adjacent walkways or driveways, or for other reasons, such dead areas shall be re-sodded or re-seeded as often as required so as to restore the grass to a living condition.

3.0 GENERAL MAINTENANCE

- 3.1 Landscaping and general maintenance of the exterior property areas shall not detract from the landscaping and the general maintenance of the neighbourhood of which they are a part;
- 3.1.1 Sufficient lighting or exterior property areas shall be provided to minimize any danger to persons using existing walkways, and to alert persons with respect to anyone who may be loitering adjacent to an area which the occupants of the premises or the public are likely to use;
 - 3.1.2 Artificial lighting standards and fixtures shall be kept in a safe condition, in working order and in good visual condition;
 - 3.1.3 Recreational areas shall be kept in a safe, usable condition, and equipment provided in connection therewith shall be safe and operable;
- 3.2 Communal walkways, driveways, ramps, parking areas and outside stairs and landings shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of persons slipping or vehicles skidding on icy surfaces;

- 3.3 Areas used for vehicle traffic and parking shall be paved with bituminous concrete or equivalent surfacing, or shall be surfaced with crushed stone or other suitable and reasonably dust-free substance, and shall be free from ponding and puddles and otherwise in good repair;
- 3.4 Paved communal parking areas shall be provided with suitable markings, such as painted lines, to indicate parking spaces, entry and egress for vehicles, maintained so as to be clearly visible;
- 3.5 Walkways shall be repaved, resurfaced or regraded as often as necessary to maintain a reasonably smooth, slip-free and safe.

4.0 DERELICT MOTOR VEHICLES

- 4.1 No owner shall use any property for the parking or storage of the following:
 - 4.1.1 derelict motor vehicles or motor vehicles that are unfit to be operated on a highway due to damage or poor repair;
 - 4.1.2 a motor vehicle that is not licensed for operation for the current year pursuant to the provisions of the Highway Traffic Act;
 - 4.1.3 motor vehicle parts or components on lands used for human habitation.
- 4.2 Section 4.1 does not apply to those properties that comply with all applicable land use criteria which permits the retail, wholesale, repair and wrecking of motor vehicles or a competition or hobby vehicle located in a fully enclosed building.
- 4.3 wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles or trailers, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment;
- 4.4 machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an unsafe condition or an unsightly condition out of character with the surrounding environment;

5.0 ENFORCEMENT

- 5.1 If a Municipal Law Enforcement Officer is satisfied that a violation or contravention of the By-Law has occurred, the Municipal Law Enforcement Officer shall serve written notice in accordance with sections 444, 445 & 446 of the Municipal Act, 2001, as may be amended from time to time.

Failure to abide by a notice will result in penalties under the Town's AMPS By-law

- 5.2 Where a Municipal Law Enforcement Officer deems a violation of this By-Law to constitute a hazard to the public, the Municipal Law Enforcement Officer may, without notice, cause the violation to be remedied at the expense of the owner. The Town shall not be responsible for any damage that may be sustained by the property of the owner.
- 5.3 Any notice given under this By-Law may be given by regular mail or personal delivery. Delivery by regular mail shall be deemed to have been affected five (5) days after mailing.
- 5.4 The Town may recover its costs of remedying a violation of this By-Law by invoicing the owner, by instituting court proceedings or by adding the cost to the tax roll in the same manner as municipal taxes. The exercise of any such remedy shall not preclude the exercise of any other available remedy.

6.0 PENALTY

- 6.1 Any person who contravenes any provision of this By-law, including Schedule "A" will be subject to the Town AMPS By-law.
- 6.2 A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this By-law will be subject to the Town AMPS By-law.

7.0 SEVERABILITY

- 7.1 When a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

8.0 DELEGATION

- 8.1 The Director is authorized to make minor housekeeping amendments to this by-law that that do not alter the meaning or intent in any way.

9.0 SHORT TITLE

- 9.1 This By-Law shall be referred to as the "Clean Neighbourhoods By-law"

10.0 REPEAL

- 10.1 By-law #2019 is hereby repealed.

11.0 EFFECTIVE DATE

11.1 This By-Law shall come into force and take effect on the day it is passed.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Nicole Rubli, Director, Legislative Services & Clerk

Schedule 'A'

In this By-law, Refuse includes but is not limited to the following:

- Household appliances such as stoves, refrigerators, freezers, washers, dryers, air conditioners and dishwashers, and television sets and their component parts
- Household furniture such as beds, bed springs, mattresses, tables, chairs and their component parts
- Barrels, boxes, water and fuel tanks (empty only)
- Motor vehicles, motorcycles, snowmobiles, bicycles, trailers, go-karts, boats, or vessels, all-terrain vehicles which are in a wrecked, discarded, inoperative or dismantled condition, in whole or in part, and their component parts
- Boulders, bricks, concrete, asphalt, glass scrap wood, scrap metal, scrap wire, paint cans, cardboard, paper, plastics, Styrofoam, roofing shingles (scrap), discarded clothes or cloth and canvas
- Felled trees, tree stumps, branches, brush, leaves, bagged or piled grass and weeds, hedge cuttings, open compost piles and garden waste
- Household refuse, (bagged or not) not set out for collection, scrap construction materials, dead animal carcasses, animal feces
- Tires, wrecked, dismantled, discarded playground equipment, beverage containers, fast food bags, containers and wrappings
- Industrial, commercial or any hazardous liquid waste (i.e. motor oil, gasoline)
- Waste from demolished buildings, discarded signs and placards

- Straw, hay and manure
- Excavated materials (i.e. earth, gravel)