

Township of Zorra



Littering, Dumping, and Clearing of Land By-law Office Consolidation

**Amending By-law(s)
By-law No. 2019-30**

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THE CORPORATION OF THE
TOWNSHIP OF ZORRA



BY-LAW NO. 16-18

**BEING A BY-LAW TO REPEAL BY-LAWS 70-1978 AND
15-2015 AND TO REGULATE LITTERING, DUMPING AND
CLEANING OF LAND AND CLEARING LAND OF
REFUSE.**

WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, 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 Section 8, 9, and 11 of the *Municipal Act, 2001* permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, and 8 of Subsection 11 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may regulate when and how matters required under the by-law shall be done;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may define "refuse" for the purpose of the by-law;

AND WHEREAS Section 128 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and it is the opinion of Council that the failure to clear refuse and debris from land is a public nuisance, including the spread of vermin;

AND WHEREAS Section 11 of the *Municipal Act, S.O. 2001, C.25*, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 446(1) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may direct or require a person to clear the land of refuse, the municipality may also provide that, in default of it being done by the person directed or required to do it, the cleaning and clearing of land shall be done at the person's expense;

AND WHEREAS Section 446(2) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may enter upon land at any reasonable time;

AND WHEREAS Section 446(3) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may recover the costs of clearing the land from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Section 391 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS the *Police Services Act, R.S.O. 1990, Section 15* authorizes the municipality to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:

**Part 1
DEFINITIONS**

1.1 For the purpose of this By-Law, the definitions of this Section apply:

“Agricultural Purposes” shall mean the land used for cultivating soil, producing crops and for the raising of livestock as an “agricultural operation” as defined in the Farming and Food Production Protection Act, 1998, S.O. 19998, c.1, but does not include the portion of land used as a woodlot.

“Art Mural” is a mural depicting a scene or theme for a designated surface and location that has been approved including by the property owner and deliberately implemented for the purposes of beautifying the specific location.

“Border” shall mean the cleared land between the side and/or rear property line and a naturalized area or wild flower meadow.

“Buffer Strip” shall mean a border of a minimum of 0.9 m w that delineates a wild flower meadow or naturalized area.

“Building” for the purposes of graffiti removal includes but is not limited to a building, structure, erection, object, fence, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container.

“Cleared” includes the removal of weeds or grass more than 20 centimetres (8 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located and includes where on any property there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes, the draining, the treatment and/or the disposing of the water.

“Composting” shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus.

“Composting Container” shall mean the holding unit used to store yard, garden and household waste for the purpose of composting.

“Domestic Waste” 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:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) 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 composing container;
- (d) can, glass, plastic container, dishes;

- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) unlicensed motor vehicle, inoperative motor vehicle, parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) rubble, insert fill, fencing materials.
- (j) Cigarette butts, cigar tips, electronic cigarettes and their components and chewing gum.
- (k) Health Hazards including a solid, liquid, gas or combination of any of them, that has or that is likely to have an adverse effect on the health of any person.

“Enforcement Officer” shall mean a by-law enforcement officer of the Township of Zorra.

“Farm Implement” means any equipment or machinery designed and used for agricultural or horticultural use and includes attachments

“Graffiti” includes one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a building, howsoever made or otherwise affixed or applied on the structure or thing, but, for greater certainty, does not include an Art Mural.

“Highway” or “highways” means all allowances for roads made by the Crown Surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which status labour has been usually performed, all roads dedicated by the owner of the land to public uses, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways in the Township of Zorra. — *added by By-law No. 30-19.*

“Industrial Waste” shall mean 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:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) container of any size, type or composition;
- (c) rubble, insert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of:
 - (i) agricultural, animal, vegetable, paper, lumber or wood products; or
 - (ii) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (f) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects.
- (i) unlicensed motor vehicle, inoperative vehicle, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment.

- (j) Health Hazards including a solid, liquid, gas or combination of any of them, that has or that is likely to have an adverse effect on the health of any person.

“Inoperative Vehicle” shall mean a licensed or unlicensed vehicle or farm implement, having missing, damaged, deteriorated or removed parts including, but not limited to: wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

“Land” includes yards, vacant lots or any part of a lot which is not beneath a building and for the purpose of this By-law includes unenclosed decks, unenclosed porches, unenclosed carports and unenclosed garages accessory to a residential use.

“Litter” includes but is not limited to refuse, and also includes any article, thing, matter, substance, or effluent that: has been cast aside, discharged or abandoned.

“Naturalized Area” means a portion of a lot where a lawn or perennial garden previously maintained by the owner 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.

“Owner” includes lessee and occupant of the land.

“Perennial Gardens” means an area deliberately implemented to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a wildflower meadow or a naturalized area.

“Private Property” means all land other than land owned by The Corporation of the Township of Zorra.

“Refuse” means any litter, article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste; and that domestic waste and/or industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.

“Rubble” includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs.

“Sidewalk” shall mean any municipal walkway or road works for the accommodation of pedestrians on that portion of a street between the curb line and the street line which is located outside a roadway.

“Snow” includes ice and slush

“Swimming Pool” Any outdoor structure or thing located on a privately owned property that is capable of being used for swimming, wading or bathing and is which the water depth at any point can be more than 600 millimetres.

“Township” shall mean The Corporation of the Township of Zorra.

“Unlicensed” shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*, displayed on the motor vehicle;

“Unlicensed motor vehicle” shall mean a motor vehicle that is unlicensed

“Vermin” noxious and/or objectionable mammal, bird or insect injurious to humans, game or crops.

“Wildflower” meadow means a specialized habitat within a naturalized area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) in order to prevent the growth and establishment of woody shrubs and trees.

“Woodlot” shall mean an area of trees in excess of 0.2 hectares.

Part 2
GENERAL PROVISIONS

2.1 Administration – by the By-law Enforcement Officer

This by-law is administered by the By-law Enforcement Officer of The Corporation of the Township of Zorra or an agent of the By-law Enforcement Officer.

2.2 Land – filled up – drained - owner responsibility

Every owner shall keep his land filled up and drained.

2.3 Excavations – filled – exception – enclosed by barrier

Every owner shall fill in any excavation on the land unless it is enclosed completely by a temporary barrier at least 122 centimetres (48 inches) in height.

2.4 Water – exceeding 30 cm – drained – exception

Every owner shall drain land of accumulations of water that exceed 30 centimetres (12 inches) in depth unless it is completely enclosed by a temporary barrier of at least 122 centimetres (48 inches) in height or such water constitutes a storm water management pond approved by the Township.

2.5 Land – clean – cleared – free of refuse

Every owner shall keep his land cleaned, cleared and free of refuse.

2.6 Littering – Dumping – Prohibited

(a) No person shall throw, place, deposit or permit or cause to be thrown, placed or deposited any refuse on any highway within the Township of Zorra.

(b) In the case of land that is not a highway, no person shall throw, place, deposit or permit or cause to be thrown, placed or deposited any refuse on any land, within the Township of Zorra, including ponds, lakes, and rivers, without the consent of the owner or occupant of the property.

(c) No person shall throw, place, dump or deposit or permit or cause to be thrown, placed, dumped or deposited snow, leaves, or yard waste on private property, Township property, highway, or sidewalk without consent of the owner or occupant or manager of the property.

2.7 Swimming Pool – maintained

Every owner shall keep or maintain the water in a swimming pool in a condition which is not a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.

2.8 Land – removal of refuse

Every owner shall remove refuse from his land.

2.9 Refuse – containment and location

Every owner or manager of a property which refuse tends to accumulate, shall ensure that all refuse is collected in a container. The Owner of a property which refuse tends to accumulate shall provide refuse containers in an accessible location, and in the area of the property where refuse accumulates.

(a) containers shall be:

- i. made of rigid, watertight construction;
- ii. provided with a tight-fitting cover, which may be removed only when the container is empty or is being actively loaded;
- iii. maintained in good condition without holes or spillage;
- iv. closed, or emptied, to prevent the escape of offensive odour or waste; and
- v. located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner; or when a property tends to accumulate refuse, a container shall be placed in an accessible location.

(b) Not permitted to accumulate longer than 14 days.

2.10 Graffiti removal

Every owner shall clean the exterior of any building, structure, erection or object on their property to remove graffiti.

2.11 Vermin control

Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

**Part 3
GENERAL PROHIBITIONS**

3.1 Refuse – not cleared – from land – prohibited

No person shall, within the Township of Zorra, fail to clear land of refuse.

3.2 Excavation – failure to enclose – prohibited

No person shall, within the Township of Zorra, fail to enclose an excavation with a temporary barrier at least 122 centimetres (48 inches) in height.

3.3 Water – 30 cm deep – failure to drain – prohibited

No person shall, within the Township of Zorra, fail to drain an accumulation of water exceeding 30 centimetres (12 inches) in depth.

3.4 Private Property – refuse – deposit on

No person shall, within the Township of Zorra, deposit refuse on private property without lawful authority.

3.5 Township Property – refuse – deposit on

No person shall, in the Township of Zorra, deposit refuse on municipal property without lawful authority.

3.6 Water in Swimming Pool – fail to maintain

No person shall fail to keep or maintain the water in a swimming pool in accordance with the provisions of this by-law.

3.7 Private Property – clear buffer strip

No person shall, in the Township of Zorra, fail to clear a buffer strip.

3.8 No Obstruction of Officer

No person shall obstruct, hinder or in any way interfere with any Municipal Law Enforcement Officer in the enforcement of the provisions of this by-law.

3.9 Contravention of Order

No person shall contravene a Work Order or an Order to Discontinue Activity.

3.10 Refuse – containment and location

No person shall fail to contain refuse or locate refuse containers in accordance with the provisions of this by-law

3.11 Graffiti – removal

No person shall fail to remove graffiti from buildings, structures, erections or objects on the land in accordance with this by-law.

3.12 Snow/Ice – deposit on sidewalk or provide property

No person shall deposit, or cause to be deposited, snow or ice upon a sidewalk, highway or private property without consent.

3.13 Unsafe Standing Water

Where the circumstances of section 2.4 and or 2.7, as applicable, exist, but where any part of the standing water in question is unsafe standing water, section 3.14 applies.

3.14 Immediate Action

In circumstances of section 3.13, a Municipal Law Enforcement Officer is specifically authorized to take immediate steps, or to cause immediate steps to be

taken, to eliminate the danger associated with the unsafe standing water.

3.15 Limited Authorization

The authorization provided by section 3.14 of this By-Law is limited only to such steps as are required to remove the danger.

**Part 4
EXEMPTIONS**

4.1 Excavations – construction – exemption

Section 2.3 of this by-law does not apply to land on which construction is proceeding under a valid building permit.

4.2 Swimming Pools – natural bodies of water – exemption

Section 2.4 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.

4.3 Outdoor Storage – lawful – exemption

Sections 2.5, 2.6 and 2.9 of this by-law shall not apply to land which is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing by-laws and regulations.

4.4 County – dumping – disposal facilities – exemption

Sections 2.5 and 2.6 of this by-law shall not apply to land or structures designated by or operated by the County of Oxford for the purpose of dumping or disposing domestic or industrial waste.

4.5 Agricultural Lands – exemption

This by-law does not apply to any lands used for agricultural purposes as defined the Township's Zoning By-law No. 35-99.

4.6 Perennial Gardens – exemption

This by-law does not apply to perennial gardens, provided that the perennial gardens are managed in accordance with the Weed Control Act and provided that there is no waste.

4.7 Wildflower Meadow – exemption

This by-law does not apply to a wildflower meadow or a naturalized area provided that those areas are managed in accordance with the Weed Control Act, provided that there is no waste and provided that they do not encroach within the buffer strip.

4.8 Containment and location – exemption

Section 2.9 of this by-law does not apply to land undergoing active construction under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control Area By-law has been obtained that includes containment and location of garbage.

**Part 5
ENFORCEMENT**

5.1 Fine – for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as set out in Schedule "B" and as provided in the *Provincial Offences Act*.

5.2 Continuation – repetition – prohibited – by order

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.

5.3 Default – not remedied – fee

Where anything required or directed to be done in accordance with this by-law is not done, the By-law Enforcement Officer or persons designated by the By-law Enforcement Officer for the Corporation of the Township of Zorra, may upon such

notice as he deems suitable, do such thing at the expense of the person required to do it and, in so doing, may charge administration fee of 15% of such expense with a minimum fee of \$110.00; and both the expense and fee may be recovered by action or in like manner as municipal taxes.

5.4 Removal

Where any of the matters or things are removed in accordance with section 5.3 of this by-law the matters or things may be immediately disposed of by the By-law Enforcement Officer.

5.5 Officer – entry to inspect

A By-law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter onto land for the purposes of an inspection of the land.

5.6 Township – bring property to compliance

Where it becomes necessary to proceed pursuant to section 5.3 of this by-law, a By-law Enforcement Officer may enter onto the lands with any person and the appropriate equipment as required to bring the property into compliance with this by-law.

5.7 Work Order – contravention of by-law

If the by-law enforcement officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order (Schedule “A”), requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do the work to correct the contravention.

5.8 Work Order - contents

The Work Order shall set out:

- (a) the municipal address or the legal description of the land;
- (b) reasonable particulars of the contravention and of the work to be done;
- (c) a deadline, being a specific date, for compliance with the Work Order; and
- (d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner’s tax roll.

5.9 Work Order – service

The Word Order may be delivered by any one or more of the following methods:

- (a) personal delivery to the person to whom it is addressed;
- (b) personal or couriered delivery to either an adult person, or to the mailbox, of the residential address of the addressee;
- (c) delivery by registered or certified mail;
- (d) delivery by facsimile transmission; or
- (e) posted in a weather-resistant fashion in a conspicuous location at the site which is the subject matter of the notice.

5.10 Deemed Delivery

- (a) Where a notice is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.
- (b) Where a notice is personally delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.
- (c) Where a notice is delivered by registered or certified mail, it is deemed to have been delivered on the fifth business day after the day of mailing.
- (d) Where a notice is delivered by facsimile, it is considered to have been delivered on the next business day following the date

- showing on the proof of transmission document.
- (e) Where a notice is posted on occupied property in accordance with section 5.9 (e), it is considered to have been delivered the next business day following the date it is posted.
- (f) Where a notice is posted on unoccupied property in accordance with Section 5.9 (e), it is considered to have been delivered five (5) days after the date it is posted.

Part 6
REPEAL – ENACTMENT

6.1 By-law – Previous

That By-law 70-1978 and By-law 15-2015 are hereby repealed in their entirety.

6.2 Effective Date

This by-law comes into force on the day it is passed.

6.3 Short Title

The short title of this by-law shall be the “Clearing Refuse from Land By-law”.

READ A FIRST AND SECOND TIME THIS 3rd day of APRIL, 2018.

READ A THIRD TIME AND FINALLY PASSED THIS 3rd day of APRIL, 2018.


MAYOR
MARGARET LUPTON


CLERK
KAREN MARTIN

**TOWNSHIP OF ZORRA
BY-LAW 16-18
SCHEDULE "A"**



WORK ORDER – Contravention of the By-law

Pursuant to Subsection 3.9 of the Township of Zorra By-law to Regulate Littering, Dumping and Cleaning of Land and Clearing Land of Refuse 16-18, as amended.

Date issued:

File No.:

Address to which order applies:

Order issued to:

A contravention of Part 2.5 of the Township of Zorra Yard and Lot Maintenance By-law 16-18 is found to exist at the above noted address:

➤ **2.5 Land – clean – cleared – free of refuse**

Every owner shall keep his land clean, cleared and free of refuse

Refuse includes but is not limited to:

Tree cuttings (chopped wood) throughout yard, sink with countertop, cabinets and parts of cabinets, garbage bags, tarps, and domestic waste.

You are hereby ordered, under Subsection 3.1 of the Township of Zorra Yard and Lot Maintenance By-law 16-18 to bring this property in to compliance on or before:

Failure to do so the Corporation of the Township of Zorra will cause the property to be brought into compliance in accordance with Part 5 (Sections 5.3 and 5.4) of By-law 16-18 of the Township of Zorra. The Township may recover the costs incurred by it in doing the work or causing it to be done 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.

Should By-law 16-18 violations occur at this address in the next 12 months, you as the assessed property owner will receive no further notice prior to enforcement action being taken.

By-law Enforcement inspections where required as a result of a failure to remedy a by-law violation by the date of compliance as set out in a written notice/order are subject to a re-inspection fee of \$95.00. This fee will be levied following the re-inspection and is subject to HST.

Order issued by:

Matthew Paul
By-law Enforcement Officer
Township of Zorra

**The Corporation of the Township of Zorra
Part I Provincial Offences Act
By-law No. 16-18: REGULATE LITTERING, DUMPING AND CLEANING
OF LAND AND CLEARING LAND OF REFUSE.
Schedule "B"**

SCHEDULE OF FINES – VOLUNTARY PAYMENT OUT OF COURT:

Pursuant to Section 5 of By-law Number 16-18 of the Corporation of the Township of Zorra, the following is a schedule of fines voluntarily payable, out of Court for offences committed under this By-law being:

SCHEDULE OF FINES:

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Dumping of refuse on Township or private property or on a highway	2.6	\$700.00
2.	Littering on private property	3.4	\$200.00
3.	Littering on municipal property	3.5	\$200.00
4.	Depositing snow or ice on sidewalk, highway or private property	3.12	\$200.00
5.	Owner of a property which refuse accumulates, fail contain refuse	2.9	\$250.00
6.	Owner of a property which refuse accumulates, fail to close or empty refuse container to prevent the escape of offensive odour or waste spillage.	2.9	\$150.00
7.	Obstruct or hinder an officer.	3.8	\$200.00

Note: the general penalty provision for the offences listed above is section 5.1 of bylaw 16-18, a certified copy of which has been filed.