

**THE CORPORATION OF THE
TOWNSHIP OF BROOKE-ALVINSTON**

BY-LAW NUMBER 16 OF 2001

**BEING A BY-LAW FOR REQUIRING AND REGULATING THE FILLING UP,
DRAINING, AND CLEANING OF LAND AND CLEARING LAND OF WASTE.**

WHEREAS paragraphs 80 and 135 of Section 210 of the Municipal Act, R.S.O. 1990, c. M.45 authorize the Council to pass By-laws as follows:

- 210 80. For requiring and regulating the filling up, draining, cleaning up, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.
135. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind.
- (a) A By-law under this paragraph,
(i) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,
(ii) may define industrial or domestic waste.
- (b) By-law under this paragraph does not apply to the use of any land or structure by a municipality.

THEREFORE, the Council of the Corporation of the Township of Brooke-Alvinston enacts as follows:

CLEARING OF LAND BY-LAW

Definitions

1. In this By-law:
- (a) "Municipality" means the Corporation of the Township of Brooke-Alvinston.
- (b) "domestic waste" means any article, thing, matter or effluent belonging to or associated with a residence, household, dwelling unit or family that appears to be waste material, and includes but is not limited to the following classes of waste material:
- (i) grass clippings, tree cuttings, brush, leaves and garden refuse;
 - (ii) paper, cardboard, clothing;
 - (iii) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food;
 - (iv) cans, glass, plastic containers, dishes;
 - (v) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
 - (vi) refrigerators, freezers, stoves or other appliances and furniture;
 - (vii) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - *(viii) inoperative motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
 - (ix) rubble, inert fill, fencing materials;
 - (x) sewage.

*Amended by By-law No. 21 of 2001

- (c) “industrial waste” 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
- (i) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
 - (ii) containers of any size, type or composition;
 - (iii) rubble, inert fill;
 - ★ (iv) automobile parts, inoperative motor vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to vehicle and mechanical equipment;
 - (v) articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of,
 - (1) agricultural, animal, vegetable, paper, lumber or wood products or
 - (2) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
 - (vi) bones, feathers, hides;
 - (vii) paper or cardboard packaging or wrapping;
 - (viii) material resulting from, or as part of, construction or demolition projects;
 - (ix) sewage.
- Amended by
By-law No. 21 of 2001
- ★ (d) “inoperative motor vehicle” means a vehicle which is in disrepair having missing parts including tires, or damaged or missing glass or deteriorated or removed parts from which prevents its mechanical function;
- (e) “inspector” means a person appointed as Chief Building Official for the municipality or his/her designate;
- (f) “land” includes grounds, property, yards, or vacant lots or any part of a lot which is not beneath of building;
- (g) “owner” includes an owner, lessee, or occupant of the land;
- (h) “rubble” includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs;
- (i) “sewage” includes any liquid waste containing 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 run-off.

Prohibited Matters

6. No person shall within the Municipality:
- (a) fail to clear land of domestic waste;
 - (b) fail to clear land of industrial waste;
 - (c) fail to enclose an excavation with a barrier at least 122 centimetres (48 inches) in height;
 - (d) fail to drain an accumulation of water exceeding 30 centimetres (12 inches) in depth;

- (e) deposit domestic waste on private property without lawful written authority;
- (f) deposit industrial waste on private property without lawful written authority;
- (g) deposit domestic waste on municipal property without lawful written authority;
- (h) deposit industrial waste on municipal property without lawful written authority.

Ponding and Excavations

- 3. (1) Every owner shall keep his land filled up and drained.
- (2) Every owner shall fill in any excavation on the land unless it is enclosed completely by a barrier at least 122 centimetres (48 inches) in height.
- (3) Every owner shall drain land of accumulations of water that exceed 30 centimetres (12 inches) in depth unless it is completely enclosed by a barrier of at least 122 centimetres (48 inches) in height or such water constitutes a storm water management pond approved by the Municipality.
- (4) Subsection (2) does not apply to land on which construction is proceeding under a valid building permit.
- (5) Subsection (3) does not apply to natural bodies of water, farm ponds, and/or private drainage systems regulated by Drainage Act and other Municipal Acts and conditions related to normal farm practices or lawfully maintained swimming pools.

Waste Upon Land

- 4. (1) (a) Every owner shall keep his land cleaned, cleared and free from domestic and industrial waste.
(b) For the purpose of this By-law, "cleared" includes 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.
(c) No person shall throw, place, dump or deposit domestic or industrial waste on private property or property of the Municipality without the lawful written authority of the Municipality or private property owner.
- (2) This section shall not apply to:
 - (a) land which is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing By-laws and regulations.
 - (b) land or structures designated by or operated by the Municipality or County of Lambton for the purpose of dumping or disposing domestic or industrial waste.
- 5. (1) The inspector may, by notice posted on the land and sent by prepaid first class mail to the owner, lessee, or occupant of the land or structure, require the owner, lessee or occupant within the time specified by the notice;
 - (a) to keep his private drains in repair;
 - (b) to alter or relay his private drains;
 - (c) to provide for the sanitary disposal of sewage and drainage from his land or structure;
 - (d) to clean, clear or remove from the land or structure garbage, refuse or domestic or industrial waste of any kind;

- (e) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;
 - (f) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the inspector.
- (2) Every notice sent by the inspector shall identify the land or structure.
 - (3) Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address.
 - (4) Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.
6. (1) The inspector may inspect the use of any land, vehicle or structure for the purpose of determining whether:
- (a) the land or structure is used for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind;
 - (b) the land or structure is used for the storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
 - (c) the owner, lessee or occupant has complied with any notice sent by the inspector;
 - (d) the vehicle is an inoperable motor vehicle.
- (2) Every owner, lessee or occupant shall permit the inspector to inspect the land, vehicle or structure for the purpose of subsection 1.
7. (1) Where the owner, lessee or occupant is in default of doing the matter or thing required to be done under this By-law, the inspector, his servants or agents, may, upon such notice as the inspector deems suitable:
- (a) fill up, drain, clean or clear up the grounds, yard or vacant land;
 - (b) repair the private drain or alter or relay the private drain;
 - (c) remove refuse or debris;
 - (d) provide for the sanitary disposal of sewage and drainage;
 - (e) remove garbage, refuse or domestic or industrial waste;
 - (f) cover over, screen, shield or enclose domestic or industrial waste;
 - (g) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.
- (2) Where any of the matters or things are removed in accordance with subsection 1, matters or things may be immediately disposed of by the inspector, his servants or agents.
- (3) The Municipality shall recover the expense in doing a matter or thing referred to in subsection 1 by action, or in like manner as municipal taxes.

Offence

8. (1) Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the Provincial Offences Act.

- (2) Upon conviction, the court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make and order prohibiting the continuation or repetition of the offence by the person convicted.

Gender

9. 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 reference to the plural.

Title

10. The short title of this By-law is the "Cleaning of Land By-law".

Severability

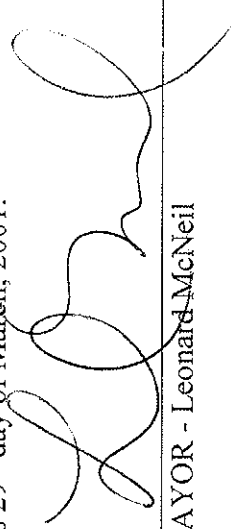
11. If any section or sections of this By-law or parts thereof be found by any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

Commencement

12. This By-law shall come into force and effect upon finally being passed.

READ A FIRST AND SECOND TIME this 29th day of March, 2001.

READ A THIRD TIME AND FINALLY PASSED this 29th day of March, 2001.



MAYOR - Leonard McNeil



CLERK-TREASURER - Robert Alderman