

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW 2004-28

Being a by-law prescribing the requirements for the maintenance of land within the Municipality.

WHEREAS, Section 127 of the *Municipal Act*, S.O. 2001, c.25 states that a local municipality may,

- (a) 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;
- (b) regulate when and how matters required under clause (a) shall be done;
- (c) prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) define "refuse" for the purpose of this section.

AND WHEREAS Section 128(1) 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 WHEREAS Section 130(1) of the *Municipal Act*, 2001 S.O. 2001 c.25 provides that a municipality may regulate matters not specifically provided for by the Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS, the Council of the Corporation of the Town of Tecumseh considers it desirable to pass such a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Tecumseh, hereinafter referred to as the Town enacts as follows:

TABLE OF CONTENTS

	PAGE
SECTION 1 – DEFINITIONS	2
SECTION 2 – GENERAL	
2.1 Short title	3
2.2 Application	3
2.3 Obligation to comply with applicable law	3
2.4 Severability	3
2.5 Effective Date	3
SECTION 3 – ADMINISTRATION AND ENFORCEMENT	
3.1 Administrator	4
3.2 Entrance upon lands	4
3.3 Order to Comply	4
3.4 Council may direct destruction of weeds	4

3.5	Notice re. destruction of weeds	4
3.6	Town may do work	4
3.7	Offence and Penalty	4
3.8	Offence Part I	4

SECTION 4 – MAINTENANCE OF LAND - GENERAL

4.1	Maintaining Land free of Refuse	5
4.2	Maintaining Land in a Level condition	5
4.3	Maintaining Land in a Drained condition	5
4.4	Maintaining Land free of Weeds & Long Grass	5
4.5	Littering	5

SECTION 1 – DEFINITIONS

1.1 In this By-law;

- (a) “Drained” means free of standing water.
- (b) "Highway" includes a common, roadway and public highway, street, road, avenue, parkway, lane, Driveway, square, place, bridge, viaduct, or trestle designed or intended for, or used by the general public for the passage of vehicles.
- (c) “Inoperative motor vehicle” a motor vehicle which is without a current license plate, or has its fenders, hood, trunk, roof, wheels or any part of its superstructure removed, or a motor vehicle which is in a dilapidated condition.
- (d) “Inoperative recreational vehicle” a vehicular unit designed for travel, camping or recreational use, including but not limited to a travel trailer, motor home, pick-up camper, motorized camper, tent trailer, boat or boat trailer which is without a current license plate, abandoned or in a dilapidated condition.
- (e) “Land” means real property located within the Town.
- (f) “Level” means free of raised mounds of earth.
- (g) Occupant includes a tenant, lessee, registered owner, occupier or such other person in charge of or in possession of property.
- (h) “Owner” means the person or persons whose name appears on the last revised assessment roll of the Town.

- (i) "Person" has the normal and usual meaning of person and includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- (j) "Refuse" includes junk, rubbish, debris or disused material of any kind whatsoever and without limiting the generality of the foregoing includes an inoperative motor vehicle, an inoperative recreational vehicle, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, construction or demolition material, raised mounds of earth and any vehicles, machinery, equipment, materials or structures apparently disused in their existing location.
- (k) "Town" means the Corporation of the Town of Tecumseh.
- (l) "Weeds" shall include "local weeds", "noxious weeds" and "weed seeds". "Local weeds" shall have the same meaning as found in the Weed Control Act R.S.O. 1990, c. W.5 as amended or replaced from time to time. "Noxious weeds" shall have the same meaning as found in the Weed Control Act R.S.O. 1990, c. W.5 as amended or replaced from time to time. "Weed seeds" shall have the same meaning as found in the Weed Control Act R.S.O. 1990, c. W.5 as amended or replaced from time to time.

SECTION 2 – GENERAL

- 2.1 This By-law may be referred to variously as the "Land Maintenance By-law" or the "By-law".
- 2.2 The provisions of this By-law shall apply to all lands within the boundaries of the Town as are now or hereafter legally constituted.
- 2.3 Nothing in this By-law shall serve to relieve any person from the obligation to comply with any other applicable law.
- 2.4 If any court of competent jurisdiction finds any provision of this By-law is invalid or is ultra vires of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-law.
- 2.5 This By-law shall come into force and effect when it is finally passed.

SECTION 3 – ADMINISTRATION AND ENFORCEMENT

- 3.1 The provisions of this By-law shall be administered by the Town's By-law Enforcement Officers or any employee or agent of the Town acting under their direction.
- 3.2 The By-law Enforcement Officers or any employee or agent of the Town acting under their direction may enter upon lands and premises at any reasonable time for the purpose of determining or effecting compliance with any provision of this By-law.
- 3.3 Where the By-law Enforcement Officers or any employee or agent of the Town acting under their direction finds a violation of any provision of this By-law, the By-law Enforcement Officer or any employee or agent of the Town acting under their direction may issue an order to comply with this By-law.
- 3.4 Notwithstanding section 3.3, for the purpose of section 4.4, council may direct the Town's weed inspector to cause weeds to be destroyed in the prescribed manner on all or part of any lot shown on a registered plan of subdivision and on lots not exceeding 10 acres that are not shown on such a plan.
- 3.5 Before weeds are destroyed in accordance with section 3.4, council shall publish notice of its intent to have the weeds destroyed in a newspaper having general circulation in the Town.
- 3.6 Where a person is in default of the notice published in accordance with section 3.5 or an order issued pursuant to this By-law, such matter or thing may be done by the Town at the person's expense and the Town may recover the costs from the person by action or by adding the costs to the tax roll and collecting the costs in the same manner as taxes.
- 3.7 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction thereof is liable to a fine in the maximum amount provided for by the *Provincial Offences Act, R.S.O. 1990, c.P.33*, (hereinafter called the "Act") as may be amended from time to time.
- 3.8 Notwithstanding the provisions of section 3.7 above, every person who contravenes any provision of this By-law is guilty of an offence and can, at the option of the Town be prosecuted pursuant to the provisions of Part 1 of the Act, and upon conviction thereof is liable to a set fine as determined in accordance with the procedure delineated in the Act and regulations passed thereunder.

SECTION 4 – MAINTENANCE OF LAND - GENERAL

- 4.1 Every owner or occupant of land shall keep their land free of refuse and in a clean and clear condition.
- 4.2 Every owner or occupant of land shall keep their land level.
- 4.3 Every owner or occupant of land shall keep their land drained.
- 4.4 Every owner or occupant of land shall keep their land free of weeds and long grass greater than 20 centimeters (8”).
- 4.5 No Person shall deposit refuse or debris on land without the consent of the owner or occupant of the land including land owned by the Town or on a highway.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS

18th DAY OF MAY, 2004.


CLERK


MAYOR