

THE CORPORATION OF THE TOWN OF DESERONTO

BY-LAW NUMBER 04-09

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BEING A BY-LAW TO REQUIRE THE OWNER OR OCCUPANT OF LAND TO CLEAN AND CLEAR THE LAND

WHEREAS pursuant to Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a local 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;

NOW THEREFORE THE Council of the Corporation of the Town of Deseronto hereby enacts as follows:

1. In this By-Law:
 - a) "Town" means the Corporation of the Town of Deseronto;
 - b) "Expense" means the cost of carrying out the work to be done by the notice pursuant to Section 3(a) and s 25% administrative charge;
 - c) "Litter" includes any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material;
 - d) "Occupant" means any person who is in control of any grounds, yard or vacant lot;
 - e) "Officer" means a Municipal Law Enforcement Officer appointed by the Council of the Town of Deseronto;
 - f) "Owner" includes any person registered as the owner of any grounds, yard or vacant lot and the person or persons able to exercise the rights of ownership with respect to any grounds, yard or vacant lot;
 - g) "Person" means an individual, firm, corporation, association or partnership;
 - h) "Premises" means any grounds, yard or vacant lot;
 - i) "Refuse" includes debris, rubbish, or material or any kind and without limiting the generality of the foregoing, includes a vehicle that appears by reason of its appearance, mechanical condition or lack of current licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, garden refuse, earth or rock fill, old or decayed lumber, or materials from construction or demolition projects.
2.
 - a) Every premise shall be kept clean and free of rubbish or other debris or objects or conditions that might create a health, fire, or accident hazard or any unsafe condition including, but not limited to, any conditions that would promote pest, insect, and rodent breeding.
 - b) Any garbage, rubbish, debris or accumulation of such materials which is placed in waste or other receptacles shall not be allowed to accumulate for longer than ten days.
 - c) Grasses and vegetation on any premises shall be kept trimmed to no more than 20.32 centimeters (8 inches) in height and all other growth, plants, shrubs, trees, bushes and hedges shall be kept trimmed so as not to encumber or encroach upon public sidewalks, private sidewalks and driveways or to reduce the line of sight for those accessing public sidewalks, private sidewalks and driveways.

d) All premises shall be maintained and kept free of noxious weeds as provided by the *Weed Control Act* R.S.O. 1990 and amendments thereto and Regulations or by-laws made thereunder. Noxious weeds include the following:

Bull Thistle	Nodding Thistle
Canada Thistle	Poison Hemlock
Colt's Foot	Poison Ivy
Common Barberry	Proso Millet, Black Seeded
Cypress Spurge	Ragweed
Dodder	Russian Thistle
European Buckthorn	Scotch Thistle
Goat's Beard	Sow Thistle
Johnson Grass	Tuberous Vetching
Knapweed	Velvetleaf
Leafy Spurge	Wild Carrot
Milkweed	Yellow Rocket

f) All trees or parts of trees that have died or are diseased, shall be removed and otherwise maintained so as not to create a hazard for persons who may attend upon the property or obstruct entrances, sidewalks, and walkways as well as to be an obstruction for fire and emergency responders.

g) Surfaces such as driveways, common walkways, steps, parking spaces and entrances about a dwelling shall be maintained in a way to afford safe passage for their normal use.

3. Every owner or occupant shall keep his or her premises set out in Section 2 above and shall comply with any notice given by a Municipal Law Enforcement Officer pursuant to Section 4(a) of this By-Law.
4.
 - a) An Officer may, by notice, sent by registered mail to the owner or occupant of the premises, or by posting the notice in a conspicuous place on the premises, or by delivering the notice personally to the owner or occupant, require the owner or occupant within the time specified within the notice to clean or clear or remove from the premises any refuse, litter, weeds or grass.
 - b) A notice mailed to an owner shall be mailed to the address of the owner as shown on the last revised assessment roll or to the last known address of the owner.
 - c) A notice mailed to an occupant shall be mailed to the premises or to the last known address of the occupant.
4.
 - a) Where the owner or occupant fails to comply with a notice pursuant to this By-Law, an Officer may cause the work to be done by the notice and the Town may recover the expense in so doing in a like manner as municipal taxes.
 - b) Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act.

AND THAT this by-law shall be effective as of this passing, and By-law 50-05 is hereby rescinded

Read a 1st, 2nd and 3rd time this 13th day of January 2009, and finally passed.


MAYOR


CLERK TREASURER