

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 98 - 2005

BEING A BY-LAW TO PROVIDE FOR THE MAINTENANCE OF LAND IN A CLEAN AND CLEAR CONDITION

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 Section 128 of the *Municipal Act, 2001* 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 of the *Municipal Act, 2001* provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 131 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MILTON HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,
 - (a) “*debris*” shall mean any material whatsoever capable of holding water, and without limiting the generality of the foregoing, includes tires, *motor vehicles*, boats, bird baths, wheelbarrows, containers of any kind and garden fixtures;
 - (b) “*derelict motor vehicle*” shall mean a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes a *motor vehicle* that is not licensed for the current year;

- (c) “*domestic waste*” shall mean any debris, rubbish, refuse, sewage, effluent, discard or garbage of any type arising from a residence, belonging to or associated with a house or use of a house or residential property, including, but not limited to, garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure to the weather;
- (d) “*dwelling unit*” shall mean a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from the outside of the building or from a common hallway or stairway inside;
- (e) “*industrial waste*” shall mean any debris, refuse, sewage, effluent, discard or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property including, but not limited to, garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure to the weather;
- (f) “*infestation*” shall mean the overrunning of a property by vermin, rodents and insects;
- (g) “*larvicide*” shall mean any chemical, mechanical or bacterial agent that is used to impair or destroy mosquito larvae;
- (h) “*Medical Officer of Health*” shall mean the Medical Officer of Health for the Regional Municipality of Halton, or his or her designate;
- (i) “*motor vehicle*” shall mean an automobile, truck, motorcycle, snowmobile, trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running solely upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;
- (j) “*Municipal Law Enforcement Officer*” shall mean a Municipal Law Enforcement Officer as appointed by the Council of the Town of Milton;
- (k) “*natural body of water*” shall mean a creek, stream, bog, marsh, fenn, river, pond or lake created by the forces of nature and which contains water;
- (l) “*owner*” shall mean the registered owner, occupant, tenant, person for the time being managing or receiving the rent of the property, whether on his or

her own account or on account of an agent or trustee of any other person, or any one of the aforesaid;

- (m) *“Police Officer”* shall mean an officer of the Halton Regional Police Service;
- (n) *“standing water”* shall mean any water, other than a *natural body of water* that exists on a permanent basis or contained within a municipally owned stormwater management facility, that is found either on the ground or in *debris* as defined in this By-law;
- (o) *“Town”* shall mean the Corporation of the Town of Milton;
- (p) *“turf grass”* shall mean ground cover comprised of one or more species of growing grass, with or without trees, shrubbery or maintained planting beds or other vegetation;
- (q) *“weed”* shall mean a noxious weed designated by or under the *Weed Control Act*, R.S.O 1990, c. W.5, as amended, including any weed designated as a local or noxious weed under a *Town* by-law for that purpose.

PROPERTY MAINTENANCE

- 2. Every *owner* of land shall 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*.
- 3. Every *owner* of land shall trim or cut *weeds* or *turf grass*, whether dead or alive, that is more than 30 cm in height.
- 4. All lawns, shrubs, vines, hedges, bushes and vegetation other than weeds and turf grass shall be kept trimmed, and shall not be overgrown and/or unsightly. *{By-law 092-2008}*
- 4.1 Vegetation other than weeds and turf grass shall be kept from becoming unreasonably overgrown in a fashion that may affect safety, visibility or passage of the general public, wholly or partially conceal or interfere with the use of any hydrant or water valves, or constitute an obstruction of view for vehicular traffic. *{By-law 092-2008}*
- 4.2 No fill shall be allowed to remain in an unlevelled state on any property longer than seven (7) days unless the property is:
 - (i) a property on which a building permit or site alteration permit is in effect;

- (ii) a property being subdivided under subdivision agreement with the Town;
 - (iii) property upon which material is being stored with the approval of the Town or the Regional Municipality of Halton in connection with a public works contract. *{By-law 092-2008}*
- 4.3 Firewood for domestic use may not be stored in a front yard. Firewood for domestic use may be stored in a rear yard if the area used for this storage is not more than 15% of the area of the rear yard.
- The stored firewood shall be:
- (i) Neatly piled not less than 300 millimetres (12 inches) from any lot line;
 - (ii) Stored at a height of not less than 150 millimetres (6 inches) above grade;
 - (iii) Stored with a total height of not more than 1.5 metres (5 feet); and
 - (iv) Not piled along a fence that borders a property containing a swimming pool. *{By-law 092-2008}*
- 4.4 All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties. *{By-law 092-2008}*
- 4.5 All aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair. *{By-law 092-2008}*

COMPOSTING

5. All composting shall be carried out by the *owner* of the land in accordance with the following requirements:
- (a) composting is permitted only in the rear of a *dwelling unit*;
 - (b) composting shall take place only in a container, pile or digester and only on land on which a dwelling unit is located;
 - (c) a compost container or digester used for composting shall be kept covered tightly at all times, except when being emptied or filled, and shall be kept in accordance with the guidelines on composting published by the Regional Municipality of Halton. The *owner* of the

land shall ensure that the composter is kept in a manner to control *infestation*;

- (d) there shall be no more than two (2) compost containers, piles or digesters used for composting on each parcel of land on which a dwelling unit is located, for a total composting capacity on the land of not more than two (2) cubic metres;
 - (e) for multiple residential dwellings containing more than six (6) dwelling units, composting in a pile is prohibited;
 - (f) no feces shall be placed in a compost container, pile or digester used for composting;
 - (g) no offensive odour shall be permitted to emanate from the compost container, pile or digester used for composting;
 - (h) organic materials placed in a compost container shall be kept covered with yard waste, soil or humus;
 - (i) a compost container, pile or digester used for composting shall be set back at least .6 metres (1.97 feet) from any lot line.
6. Section 5 of this By-law does not apply to A1 and A2 zones as defined in the *Town's Zoning By-law*.

STANDING WATER

- 7. No person shall keep a swimming pool, hot tub, wading pool or artificial pond unless it is maintained in good repair and working condition.
- 8. No person shall permit a depression, excavation, swimming pool, hot tub, wading pool, artificial pond or *debris* located on his or her property to contain *standing water* for a period in excess of five (5) days.
- 9. An *owner* of property in the *Town* shall take all necessary steps to remove or dispose of standing water located on the property when required by a *Municipal Law Enforcement Officer*. Such steps may include, but are not limited to: draining or filling of excavations and depressions, installing screening or netting equipment so as to prevent the breeding of mosquitoes, or the treatment of the property or any part thereof with a *larvicide*.
- 10. Any person owning property in the *Town* where a *natural body of water* exists shall, when advised by the *Medical Officer of Health* that a health

hazard exists, take the steps contained in any Order issued by the *Medical Officer of Health* to remedy the situation.

DERELICT MOTOR VEHICLES

11. No person shall use any property for the parking or storage of the following:
 - (a) *derelict motor vehicles* or *motor vehicles* that are unfit to be operated on a highway due to damage or poor repair;
 - (b) a *motor vehicle* that is not currently licensed for operation pursuant to the provisions of the *Highway Traffic Act*;
 - (c) *motor vehicle* parts or components on lands used for human habitation;
 - (d) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats;
12. Section 11 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 or recreation vehicle parked in compliance with the *Town's Zoning By-law*.

ENFORCEMENT

13. This By-law shall be enforced by *Municipal Law Enforcement Officers*, the *Medical Officer of Health*, and *Police Officers*.
14. For the purpose of ensuring compliance with this By-law, a *Municipal Law Enforcement Officer*, the *Medical Officer of Health*, or a *Police Officer* may, at all reasonable times, enter upon and inspect any land.
15. No person shall hinder or obstruct, or attempt to hinder or obstruct, a *Municipal Law Enforcement Officer*, the *Medical Officer of Health*, or a *Police Officer* from carrying out inspections of land to ensure compliance with this By-law.

NOTICE OF VIOLATION

16. Where there has been a violation of this By-law, a *Municipal Law Enforcement Officer* may serve written notice upon the *owner* of the property, directing that the violation be remedied within a specified period of the delivery of such notice. In the event that the violation in the notice is

not remedied within the aforesaid period of time, the *Municipal Law Enforcement Officer* may 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*.

17. 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*.
18. 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.
19. 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.

SEVERABILITY

20. 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.

PENALTY

21. Any person who violates any provisions of this By-law is guilty of an offence and shall be liable to a fine subject to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and be subjected to any other penalty permitted by law for each offence. Each day such violation continues shall constitute a separate offence and shall be punishable as such.

EFFECT

22. This by-law shall come into force and take effect on the day it is passed.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this 8th day of August, 2005

Gordon A. Krantz Mayor

Troy McHarg Town Clerk