

**THE CORPORATION OF THE
TOWNSHIP OF BLANDFORD-BLENHEIM**

BY-LAW 1972-2016

**Being a By-Law to provide for the filling up, drainage and
cleaning of land and clearing of refuse from land**

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 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 for the purpose of cleaning and clearing the land of refuse;

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 BLANDFORD-BLENHEIM ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1. This By-law may be cited as the “Yard and Lot Maintenance By-Law”

2. DEFINITIONS

2.1 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 wide 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 composting 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.

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

“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.

“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 motor vehicle, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment.

“Inoperative Motor Vehicle” shall mean a licensed or unlicensed vehicle, 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.

“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 the registered owner 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.

“Refuse” means any 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.

“Township” shall mean The Corporation of the Township of Blandford-Blenheim.

“**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

“**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.

3. GENERAL PROVISIONS

3.1 Administration – Enforcement Officer

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

3.2 Land – filled up – drained - owner responsibility

Every owner shall keep his land filled up and drained.

3.3 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.

3.4 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.

3.5 Land – clean – cleared – free of refuse

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

3.6 Dumping – prohibited – without lawful authority

No person shall throw, place, dump or deposit snow, domestic or industrial waste on private property or Township property without lawful authority.

3.7 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.

3.8 Land – removal of refuse

Every owner shall remove refuse from his land.

3.9 Refuse – containment and location

Every owner shall ensure that all refuse which accumulated on their property and

when not placed out for collection is:

(a) in containers:

- 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, rinsed and cleaned when not in use, to prevent the escape of offensive odor 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.

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

3.10 Graffiti removal

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

3.11 Firewood storage

Firewood for domestic use may not be stored in a front yard. Firewood for domestic use may be stored in a rear yard and/or side yard if the total area used for this storage is not more than 15% of the rear and/or side yard as the case may be.

(a) The stored firewood shall be:

- i. neatly piled not less than 30cm from any lot line;
- ii. stored at a height of not less than 15cm above grade;
- iii. stored with a total height of not more than 1.5 meters; and
- iv. not piled along a fence that borders a property containing a swimming pool.

4. GENERAL PROHIBITIONS

4.1 Refuse – not cleared – from land – prohibited

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

4.2 Excavation – failure to enclose – prohibited

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

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

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

4.4 Private Property – refuse – deposit on

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

4.5 Township Property – refuse – deposit on

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

4.6 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.

4.7 Private Property – clear buffer strip

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

4.8 No Obstruction of Officer

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

4.9 Contravention of Order

No person shall contravene a Work Order.

4.10 Refuse – containment and location

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

4.11 Graffiti – removal

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

4.12 Firewood – storage and location

No person shall fail to contain and store firewood in accordance with the provisions of this by-law

5. EXEMPTIONS

5.1 Excavations – construction – exemption

Section 3.3 of this by-law does not apply to land on which there is a valid permit from the Building Department, Conservation Authority, or a valid permit from the Township Site Alteration By-Law as amended.

5.2 Swimming Pools – natural bodies of water – exemption

Section 3.4 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.

5.3 Outdoor Storage – lawful – exemption

Sections 3.5, 3.6 and 3.9 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.

5.4 County – dumping – disposal facilities – exemption

Sections 3.5 and 3.6 of this by-law shall not apply to land or structures designated by or operated by the County of Oxford or Township of Blandford-Blenheim for the purpose of dumping or disposing domestic or industrial waste.

5.5 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. 1360-2002.

5.6 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.

5.7 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.

5.8 Containment and location – exemption

Section 3.9 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.

6. ENFORCEMENT

6.1 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 provided in the *Provincial Offences Act*.

6.2 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.

6.3 Default – not remedied – fee

Where anything required or directed to be done in accordance with this by-law is not done, the Enforcement Officer or persons designated by the Enforcement Officer for The Corporation of the Township of Blandford-Blenheim, 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 as provided for in the Township's Fee and Charges By-Law as amended; and both the expense and fee may be recovered by action or in like manner as municipal taxes.

6.4 Removal

Where any of the matters or things are removed in accordance with section 6.3 of

this by-law the matters or things may be immediately disposed of by the Enforcement Officer.

6.5 Officer – entry to inspect

An 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 to determine whether or not the following are complied with:

- (a) this By-Law;
- (b) a direction or order made under this By-Law; or
- (c) a prohibition order made under s. 431 of the Municipal Act, 2001.

6.6 Officer – inspection of documents

An officer may, for the purposes of the inspection under section 6.5:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information in writing or otherwise as required by the officer from any person concerning a matter related to the inspection; or
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

6.7 Owner – tests and documents at owner’s expense

Any cost incurred by the Township in exercising its authority to inspect under subsection 6.6 (d) including but not limited to the cost of any examination, test, and sample or photograph necessary for the purposes of the inspection, shall be paid by the owner.

6.8 Township – bring property to compliance

Where it becomes necessary to proceed pursuant to section 6.3 of this by-law, an 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.

6.9 Work Order – contravention of by-law

If the 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.

6.10 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.

6.11 Work Order – service

The Work Order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been served on the fifth day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

6.12 Work Order – unable to effect service

If the Township is unable to effect service on the owner under section 6.11, it shall place the order in a weather-resistant fashion in a conspicuous place on the land and may enter on the land for this purpose. The placing of the order shall be deemed to be sufficient service of the Work Order.

6.13 Conflict and Severability

- (a) In the event of any conflict between any provision set forth in this by-law and any other Township By-law, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.
- (b) If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the By-law. The remainder of the By-law shall remain in full force and effect.

7. REPEAL – ENACTMENT

7.1 By-law – Previous

That By-law 1449-2004 is hereby repealed in its entirety.

7.2 Effective Date

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

READ A FIRST AND SECOND TIME THIS 6TH day of July, 2016.

READ A THIRD TIME AND FINALLY PASSED TIME THIS 6TH day of July, 2016.

**MAYOR
MARION WEARN**

**CLERK/CAO
RODGER MORDUE**

**Township of Blandford-Blenheim
By-Law 1972-2016
SCHEDULE "A"**



WORK ORDER

Pursuant to Subsection 6.9 of the Township of Blandford-Blenheim Yard and Lot Maintenance By-Law 1972-2016

OWNER: _____

PROPERTY ADDRESS: _____

An inspection of your property was conducted on _____, 20____. As a result of the inspection, a contravention of the Township of Blandford-Blenheim Yard and Lot Maintenance By-Law 1972-2016 has been noted. In order to rectify the contravention, you are ordered to:

Item No.	By-Law Section	Contravention	Corrective Action
1.			
2.			
3.			
4.			
5.			

Failure to comply with this notice prior to _____, 20____ could result in legal action AND/OR the Township may enter on the property and clean and clear the property in accordance with the by-law.

At any time while this property is under your occupancy/ ownership/ direction and the above violation is observed, the Township of Blandford-Blenheim has the right to recover from the Owner of the property any amount expended by or on behalf of the Township and such amounts may be collected in like manner as Municipal taxes and **this is the only notice the Township will issue.**

Should there be an occurrence of a violation of the same section of By-Law 1972-2016 at this address in the next 6 months, you as the assessed owner will receive no further notice prior to enforcement action being taken.

Paul Gabara C.Tech., RASDT, RHDT
Chief Building Official
Township of Blandford-Blenheim

Date