

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON
BY-LAW NO. 2003 - 046

Being a by-law to regulate the draining, cleaning and clearing of lands within the Municipality of Clarington and to repeal By-Law 90-160 being a By-law respecting the deposit of and retention of certain waste on lands in the former Town of Newcastle.

WHEREAS the Municipality of Clarington may pass a by-law pursuant to the *Municipal Act*, .S.O. 2001, Chap. 25, for requiring and regulating the, draining, cleaning and clearing of any grounds, yards or vacant lots; and

WHEREAS the Council of the Municipality of Clarington deems it expedient to pass a By-law to provide for maintaining lands in a filled up, clean and cleared up condition,

NOW THEREFORE, the Council of The Corporation of the Municipality of Clarington hereby enacts as follows:

1.0 DEFINITIONS

“Debris” includes refuse, rubbish or material of any kind and without limiting the generality of the forgoing 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;

“Expense” means the cost of carrying out the work to be done by the notice pursuant to Section 3.1 and a 25% administrative charge;

“Litter” includes any material left or abandoned in a place other than a receptacle or place intended, or approved for receiving such material;

“Occupant” means any person who is in control of any grounds, yard or vacant lot;

“Officer” means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Municipality of Clarington or other authorized body or agency having authority;

“Owner” includes the person or persons identified in the most recent municipal assessment roll as the owner of the subject property;

“Person” means an individual, firm, corporation, association or partnership; and

“Premises” means any grounds, yard or vacant lot.

2.0 Every Owner or occupant shall keep his Premises drained of standing or stagnant water, clean or cleared up, and shall comply with any notice given by a Municipal Law Enforcement Officer pursuant to Section 3.1 of this by-law.

- 2.1 For the purposes of Section 2.1 “clean and cleared up” includes the trimming or cutting of weeds or grass more than 20 centimetres in height.
- 2.2 Provisions of the by-law shall not apply to lands designated as “Hazard Lands” on Map C of the Clarington Official Plan.
- 3.0 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 at the Premises, or by delivering the notice personally to the Owner or occupant, require the Owner or Occupant within 96 hours:
- a) To keep his private drainage pipes and drainage ditches in repair;
 - b) To clean, clear up or remove from the premises any debris, litter, weeds or grass; and
 - c) To drain or fill up any hole, excavation or depression on the Premises.
- 3.1 A notice mailed to an Owner or Occupant 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.
- 4.0 Where the owner or occupant fails to comply with a notice issued pursuant to this by-law the municipality, in addition to other remedies,
- a) Shall have the right to carry out the work as required in the notice and for this purpose may, with its servants and agents from time to time, enter in and upon the property; and
 - b) Shall not be liable to compensate such owner, occupant or other person having an interest in the property by reason of anything done by or on behalf of the municipality under the provisions of this by-law.
- 4.1 Any Person who contravenes any provision of the 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.
- 5.0 Should any provision of the by-law be declared by a court of competent jurisdiction to be void or ultra vires for any reason, the remaining provisions shall, nevertheless, remain valid and binding and the by-law shall be read as if the provision had been struck out.

6.0 By-law 90-160 of the former Town of Newcastle and its amendments are hereby repealed.

6.1 This By-law shall come into full force and effective immediately on the day of Final passing by Council.

By-law read a first and second time this 14th day of April 2003.

By-law read a third time and finally passed this 14th day of April 2003.

ORIGINAL SIGNED BY THE MAYOR

ORIGINAL SIGNED BY THE MUNICIPAL CLERK