

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO. 6832/08

A by-law to require owners and occupiers
of land to clean and clear the land

WHEREAS section 127 of the *Municipal Act, 2001*, S.O. 2001 c.25 provides that a local municipality may require the owner or occupier 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 the City of Pickering deems it necessary to regulate when and how the cleaning and clearing of land within the City shall be done.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING ENACTS AS FOLLOWS:

PART I - INTERPRETATION

Definitions

1. In this by-law,
 - (a) “City” means the Corporation of the City of Pickering or the geographic area of the City of Pickering, as the context requires;
 - (b) “occupier” includes a lessee, tenant, mortgagee in possession or any other person in possession of any premises;
 - (c) “officer” means a municipal by-law enforcement officer appointed by the City;
 - (d) “order” means an order issued by an officer under subsection 15(1);
 - (e) “owner” means the person identified in the most recent tax roll as the owner of any premises;
 - (f) “person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
 - (g) “premises” means any grounds, yard, parking lot, vacant land or other parcel of land not including any buildings; and

- (h) “refuse or debris” includes garbage or rubbish of 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, appliances, furnaces, heater or fuel tanks, disused furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects, and old clothing.

Application

2. This by-law shall apply to all premises within the City.

References to Legislation

3. In this by-law, reference to any Act, regulation or by-law is reference to that Act, regulation or by-law as it is amended or re-enacted from time to time.

Word Usage

4. This by-law shall be read with all changes in gender or number as the context may require.
5. A grammatical variation of a word or expression defined has a corresponding meaning.

Construction

6. Unless otherwise specified, references in this by-law to sections and schedules are to sections and schedules in this by-law.

Severability

7. Each section of this by-law is an independent section, and the holding of any section or part of any section of this by-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other section or parts of sections of this by-law.

PART II – MAINTENANCE OF PREMISES

Refuse

8. Where on any premises there is refuse or debris, the owner or occupier of the premises shall remove the refuse or debris so that the premises are left in a clean condition.

9. No person shall throw, place or deposit refuse or debris on any premises.
10. No owner or occupier shall use its premises for the dumping or disposal of refuse or debris.

Weeds and Long Grass

11. No owner or occupier shall permit any weeds or grass on its premises to exceed fifteen (15) centimeters in height.

Donation Boxes

12. (1) In this section, "donation box" means a container used to collect second-hand clothing or other second-hand items for donation to a charitable organization.
- (2) No owner or occupier shall place, erect or maintain or permit the placement, erection or maintenance of a donation box on any premises except on private property that is zoned to permit a commercial use.
- (3) Every owner or occupier shall ensure that there are no items discarded or placed in the area surrounding a donation box, regardless of whether such items left are donations.

PART III - ENFORCEMENT

Inspections

13. An officer may, at any reasonable time, enter upon any premises for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
14. No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an officer.

Order to Comply

15. (1) Where an officer is satisfied that there has been a contravention of any provision of this by-law, the officer may issue an order requiring the owner or occupier of the premises on which the contravention has occurred to do work to correct the contravention.
- (2) An order shall set out,
 - (a) reasonable particulars of the contravention;

- (b) the location of the premises;
 - (c) the general nature of the work required to be done to correct the contravention; and
 - (d) the date by which the work must be done.
- (3) An order may be served by,
- (a) personally delivering it to the owner or occupier;
 - (b) sending it by registered mail to the owner at the address of the owner shown on the last revised assessment roll for the premises or the last known address of the owner; or
 - (c) sending it by registered mail to the occupier at the last known address of the occupier.
- (4) If the address of an occupier is unknown or the City is unable to effect service on an owner or occupier in accordance with subsection (3), a placard setting out the terms of the order may be placed in a conspicuous place on or near the owner's or occupier's property.
- (5) Service of an order under this section shall be deemed to have been effected on the date that it is delivered personally, three days after it was mailed, or the date that it is posted on the property, as the case may be.

16. No person shall fail to comply with an order.

Remedial Action

17. (1) Where an order has been issued and compliance has not been achieved by the date specified in the order, the City may cause the work set out in the order to be done.
- (2) The City may recover the costs of doing any work undertaken pursuant to subsection (1), together with an administration charge equal to 25% of such costs, from the person required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Penalties

18. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act*.

PART IV – GENERAL

Short Title

19. This by-law may be referred to as the “Clean and Clear By-law”.

Repeal

20. By-law No. 6169/03 is repealed.

Effective Date

21. This by-law shall come into force on the day of its passing.

By-law read a first, second and third time and finally passed this 19th day of February, 2008.

David Ryan, Mayor

Debi A. Wilcox, City Clerk