

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 7122-96

A By-law requiring yards to be clean and safe.

WHEREAS pursuant to section 210(80) of the Municipal Act, Chapter M.45 R.S.O. 1990 by-laws may be passed by the Councils of local municipalities for requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yards and vacant lots and the altering, relaying or repairing of private drains; and

WHEREAS pursuant to section 210(82) of the said Municipal Act by-laws may be passed for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property; and

WHEREAS pursuant to section 210(135) of the said Municipal Act by-laws may be passed for prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind; and

WHEREAS pursuant to section 210(136) of the said Municipal Act by-laws may be passed for prohibiting or regulating and inspecting the use of any land or structure for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal; and

WHEREAS it is deemed advisable to establish minimum standards of care of yards and grounds for the health, safety and quiet enjoyment of the public;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

TITLE

1. This by-law may be cited as the "Yard By-law".

SCOPE

2. The provisions of this by-law shall apply to all lands within the boundaries of the Town of Smiths Falls.

DEFINITIONS

3. In this by-law:
 - 3.1 "Corporation" means the Corporation of the Town of Smiths Falls.
 - 3.2 "Land(s)" means ground(s), yard(s) or vacant lot(s).
 - 3.3 "Last Known Address" means the address which appears on the latest revised assessment roll of the Corporation.
 - 3.4 "Property Standards Officer" means a person appointed by by-law of the Corporation as a Property Standards Officer.
 - 3.5 "Town" means the Town of Smiths Falls.
 - 3.6 "Town Engineer" means a person appointed by by-law of the Corporation as the Town Engineer or their designate.

- 3.7 "Waste" includes refuse or garbage of any kind whatsoever and without limiting the generality of the foregoing includes kitchen and table waste of animal origin, clothing, ashes, paper, cartons, crockery, tin, plastics, cans, glass or glassware, brush, timber, lumber, cable waste, rocks, bricks, concrete, gravel, sand, soil, appliances, automotive and mechanical parts, furnaces, bedsprings, mattresses, furniture, boxes, barrels, water or fuel tanks, containers, either full or empty, for paint, oil, solvents, items containing asbestos insulation, fuel tanks, batteries, acids and other prohibited hazardous waste as defined by the Ministry of the Environment. Waste shall not include compostable materials, such as grass cuttings, leaves, garden refuse, kitchen and table waste of vegetable origin when enclosed in a container approved by the Town Engineer.

GENERAL PROVISIONS

- 4.1 No person shall within the boundaries of the Town permit any lands under their control to become unhealthy, unsanitary or dangerous owing to any excavation therein and such person shall, upon written demand and to the satisfaction of the Town Engineer, immediately fill any excavation.
- 4.2 No person shall make, permit to be made or have upon lands under their control any temporary excavation near or adjacent to any street within the Town without erecting a good and sufficient protection fence, railing or barrier completely around such excavation, and maintain the same so long as in the opinion of the Town Engineer, may be necessary for the protection and safety of the public, provided however that any such temporary excavation shall not be permitted to remain for a period of longer than forty-five (45) days.
- 4.3 No person shall have upon any lands any pit which may be dangerous to any person entering upon the said lands unless the same is, in the opinion of the Town Engineer, effectively protected by a fence, barrier or railing and such person shall, upon demand and to the satisfaction of the Town Engineer, fill any excavation or erect such protective fence, barrier or railing.
- 4.4 No person shall permit any lands under their control to become unhealthy, unsanitary or dangerous owing to inadequate or improper drainage, the same shall upon demand and to the satisfaction of the Town Engineer be adequately and properly drained by the owner or occupier thereof, and for the purposes of this section the Town Engineer may order any private drain be altered, relaid or repaired.
- 4.5 No person shall permit any lands under their control to become unhealthy, unsanitary, dangerous, or unsightly owing to the growth of weeds or vegetation other than lawful and properly cultivated crops and gardens, the same shall upon demand and to the satisfaction of the Property Standards Officer, be cleared by the owner or occupier thereof.
- 4.6 No person shall permit any land under their control to become untidy, unsightly, unsanitary, unhealthy or dangerous owing to the storage thereon of any matter or thing or to the deposit thereon any waste, junk, debris, rubble, rubbish, litter, trash, refuse, garbage, offal or excreta, the same shall upon the demand and to the satisfaction of the Property Standards Officer, be cleaned.
- 4.7 Notwithstanding the provisions of any part of Section 4, this by-law shall not be deemed to prohibit the temporary storing of automotive and mechanical equipment, salvage and similar material which is required for business purposes as part of an operating business for a maximum of forty-five (45) days.
- 4.8 Any business temporarily storing automotive and mechanical equipment, salvage and similar material which is required for business purposes shall be situated in a zone which permits such business, provided buffering acceptable to the Council of the Corporation when the lands are adjacent to any residential zone and complies to the Town's zoning regulations.

ENFORCEMENT AND PENALTIES

- 5.1 When any lands and buildings are not maintained pursuant to the provisions of this by-law, the Property Standards Officer or Town Engineer, as appropriate, shall send a notice by registered mail or delivered by hand to the owner or occupant's last known address requiring them to make the lands and buildings conform to the requirements of this by-law. Such notice shall specify the time allowed for compliance.

- 5.2 If the owner or occupant of the land fails to comply with the notice issued pursuant to section 5.1 within the specified time, the Town in addition to all other remedies:
- (a) shall have the right to restore the lands accordingly and for this purpose with its employees and agents from time to time to enter in and upon the lands; and
 - (b) shall not be liable to compensate such owner or occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Town under the provisions of this section.
- 5.3 Where the Town restores the lands pursuant to section 5.2 the Town may recover the expense incurred in respect thereof by any or all of the methods provided for in Section 326 of the Municipal Act.
- 5.4 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a penalty pursuant to the Provincial Offences Act.
- 5.5 Set fines may be established for offences contained in this by-law. Such set fines shall be established pursuant to the Provincial Offences Act.
6. By-law No. 5968-85 is hereby repealed.
7. The provisions of this by-law shall come into force and take effect on the passing thereof.

Read a first and second time this 18th day of March, 1996.

Read a third time and passed this 15th day of April, 1996.



Mayor



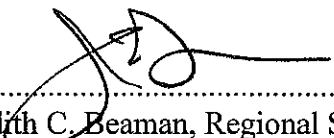
Clerk

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 7122-96 of the **Town of Smiths Falls** attached hereto are the set fines, including costs, for those offences. This Order is to take effect June 25, 2008.

Dated at Ottawa this 25th day of June 2008.


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Judith C. Beaman, Regional Senior Justice
Ontario Court of Justice
East Region

SET FINES FOR INFRACTIONS: Part 1 Provincial Offences Act

TOWN OF SMITHS FALLS

BY-LAW NO. 7122-96

TITLE: YARD MAINTENANCE BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Failure to fill excavation	4.1	\$300.00
2	Failure to provide protective fence around excavation	4.2	\$300.00
3	Unhealthy/dangerous yard due to inadequate drainage	4.4	\$100.00
4	Unhealthy/dangerous yard due to weed/vegetation growth	4.5	\$100.00
5	Unhealthy/dangerous yard due to storage of junk/debris	4.6	\$100.00

Note: The penalty provision for the offences listed above are in Section 5.4 of By-law 7122-96 a certified copy of which have been filed.