

THE CORPORATION OF THE VILLAGE OF CASSELMAN

BY-LAW NO.: 2006-180

Being a by-law of the Corporation of the Village of Casselman requiring properties and streets to be maintained in a safe condition and kept clear of waste.

WHEREAS the *Municipal Act, S.O. 2001, C.25 as amended, Section 100, 100.1, 127 and 131*, provides that the Council of any municipality may enact a by-law requiring yards to be put in a safe condition, requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yards and vacant lots, and prohibiting the use of land for the dumping or disposal of garbage refuse or domestic or industrial waste, prohibiting littering of private and Corporation property and prohibiting the storing of inoperative motor vehicles.

AND WHEREAS the Council of the Corporation of the Village of Casselman deems it necessary to enact such a by-law.

NOW THEREFORE the Council of the Corporation of the Village of Casselman **ENACTS** as follows:

1. INTERPRETATION

In this By-Law:

- 1.1 **Corporation** means the Corporation of the Village of Casselman.
- 1.2 **Ground Cover** means organic or non-organic materials applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- 1.3 **Lawn** means organic ground cover normally used for yards surrounding buildings.
- 1.4 **Municipal Law Enforcement Officer** means the officer in charge of by-law enforcement of the Corporation of the Village of Casselman or his/her authorized subordinates or assistants.
- 1.5 **Municipality** means the Corporation of the Village of Casselman.

- 1.6 **Noxious Weed** means a plant that is designated under the Weed Control Act as a noxious weed.
- 1.7 **Property** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile buildings, mobile structures, outbuildings fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
- 1.8 **Residential Zone** means properties that are zoned residential as per the zoning by-law of the Corporation of the Village of Casselman.
- 1.9 **Street** means any highway, road, avenue, parkway, driveway, square, places, bridges, viaduct or trestle and includes the whole road allowance from lot line to lot line which includes the ditch gutter, gravel and grassed portions.
- 1.10 **Unsafe Condition** means any condition that would cause undue or unexpected hazards to the life, limb or health of any person authorized or expected to be on or about the premises.
- 1.11 **Waste** shall include refuse garbage, or debris of any kind whatsoever and without limiting the generality of the foregoing includes rubbish, inoperative or unlicensed vehicles or boats or aircraft and mechanical equipment, automobile and mechanical parts, furnaces, water and fuel tanks, furniture, table refuse, paper, cartons, crockery, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or rocks fill, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable.
- 1.12 **Weed Inspector** means a person appointed under *Section 6 of the Weed Control Act*.
- 1.13 **Yard** means the land other than publicly-owned land around and appurtenant to the whole or any part of the property and used, or capable of being used, in connection with the property whether or not the land is owned by the owner of the building.

2. **PROPERTIES**

- 2.1 All properties shall be kept in a neat and tidy condition and no person shall dump, throw, place or deposit any waste material on any property or cause such material to remain therein.
- 2.2 No person shall dump, throw, place or deposit any rubbish, garbage and other debris on any property.

- 2.3 The owner, tenant, occupier or licensee of any property shall keep the property free, of objects and conditions that are health, fire or accident hazards.
- 2.4 The owner, tenant, occupier or licensee of any property shall keep the property free of heavy undergrowth and noxious plant, such as ragweed, poison ivy, poison oak, etc., and excessive growth of grass, weeds and other vegetation.
- 2.5 The owner, tenant, occupier or licensee of any property shall keep the lawn trimmed neatly and shall not be overgrown or unsightly.
- 2.6 The owner, tenant, occupier or licensee of any property shall keep the property free of dead, decaying or damaged trees or other natural growth, and the branches and limbs thereof which create an unsafe or unsightly condition.
- 2.7 The owner, tenant or occupier, licensee of any property shall keep the property free of wrecked, dismantled, inoperative, unused or unlicensed vehicles, trailers, boats, air crafts or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment.
- 2.8 The owner, tenant, occupier or licensee of any property shall keep the property free of dilapidated or collapse structures or erections and any unprotected well or other unsafe condition or unsightly condition out of character with the surrounding environment.
- 2.9 When a garbage bin, container or receptacle is required on a residential, non commercial property, the owner, tenant or licensee of such property shall have the said bin, container, or receptacle emptied as follow:
 - 2.9.1. Once every week for a bin, container or receptacle having a capacity of two (2) to eight (8) yards.
 - 2.9.2. Once every month for a bin, container, or receptacle having a capacity exceeding eight (8) yards.

3. REFRIGERATORS, FREEZERS, ETC.

- 3.1 The owner, tenant, occupier or licensee of any property shall remove self-locking or self-latching devices on refrigerators, freezers or similar appliances which are stored or left on porches, decks, or in any rear yard, side yard or similar areas.
- 3.2 All refrigerators stored or left on porches, decks, or in any rear yard, side yard or similar areas shall be:

3.2.1. In good working order.

3.2.2. Secured with an external locking device.

3.2.3. Locked at all times except when actually in used and supervised.

3.3 The owner, tenant, occupier or licensee of any property who places refrigerators, freezers or similar appliances out on roadways for disposal thereof, shall remove there from all doors without limiting the generality of the foregoing including all sliding, swinging, spring loaded, and pull-to-open doors.

4. LANDSCAPING

4.1 The owner, tenant, occupier or licensee of any property shall maintain hedges, planting, trees or other landscaping, in a living condition, or shall replace these if no longer alive with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance.

4.2 The owner, tenant, occupier or licensee of any property shall provide suitable ground cover to prevent erosion of the soil. Where grass forms a part of the ground cover, and such grass is no longer in a living condition, such dead areas shall be re sod or re seeded as often as required so as to restore the grass to a living condition.

4.3 The owner, tenant, occupier or licensee of any property shall maintain areas within the yard not covered by buildings or structures, sidewalks, driveways and parking areas to a standard at least compatible with the abutting and adjoining properties.

4.4 The owner, tenant, occupier or licensee of any property shall maintain in good repair areas used for vehicular traffic, parking and facilities for loading and unloading such areas shall be free of potholes and adequately drained.

4.5 The owner, tenant, occupier or licensee of any vacant land shall keep it graded, filled or otherwise drained so as to prevent recurrent pounding of water.

5. RUBBISH

5.1 The owner, tenant, occupier or licensee, of any property shall maintain and provide sufficient receptacles to contain all garbage, rubbish, ashes and waste. The receptacles shall be made of metal or plastic, made of watertight construction and provided with a tight fitting cover.

5.2 The owner, tenant, occupier or licensee of any property shall keep the property free of all refuse or litter.

5.3 The owner, tenant, occupier or licensee of a non residential building, shall provide sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public.

6. PASSAGEWAYS

The Owner, tenant, occupier or licensee of any property shall maintain steps, walks, driveways, parking spaces and similar areas of a yard in a condition so as to afford safe passage under normal use and weather conditions.

7. PRIVATE PROPERTY

All private property shall be kept clear of waste and no person shall dump, throw, place, or deposit any waste material on any private property or cause such material to remain thereon.

8. CORPORATION PROPERTIES AND STREETS

8.1 No person shall dump, throw, place, or deposit any waste material, refuse or debris on any street or any property belonging to the municipality without prior written approval of the Council of the Corporation of the Village of Casselman.

8.2 No person shall cause or permit or allow any snow to be dumped, thrown, placed, pushed or deposited onto any street or other property within the municipality without prior written authority from the owner or occupant of such property.

9. Nothing in the by-law shall be deemed to give any person the authority to dump, throw, and place or deposit any waste, material or garbage on any street or property within the boundaries of the municipality.

10. Nothing in this by-law shall be deemed to interfere with the filling or raising of land with earth or rock fills done in the course of building operations or the disposal of waste on any lands which have been designated for that purpose by by-law of the Corporation.

11. When any property is not maintained pursuant to the requirements of this by-law, the Corporation shall send a notice by registered mail or personal service to the owner or occupant at their last known address requiring them to make the property conform to the requirements of this by-law and the notice shall specify the time allowed for compliance.

12. Where notice has been sent by the pursuant to Section 11 of this by-law and the requirements of the notice have not been complied with, the Corporation may cause the work to be done and the Corporation may recover the expense, of such work by action or in a like manner as municipal taxes.

13. PENALTY

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

- 14.** In addition to the imposition of a fine or other remedy, a court of competent jurisdiction may, upon conviction of an offence under this by-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

DONE AND PASSED in open Council this 27th day of March 2007.

Conrad Lamadeleine, Mayor.

Gilles Lortie, A.M.C.T.
Clerk

I, Gilles Lortie, Clerk for The Corporation of the Village of Casselman do hereby certify that this document is a true certified copy of by-law number 2006-180, passed and adopted by the Council of the Village of Casselman at their regular meeting held on March 27, 2007.

Gilles Lortie, A.M.C.T.
Municipal Clerk