

**THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE**

**BY-LAW NO. 34-2000**

---

**A By-Law to require and regulate the filling up, draining,  
cleaning and clearing of any grounds, yards or vacant land.**

---

**WHEREAS** Section 210(80) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, empowers Councils of the Municipalities to pass by-laws for requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yards or vacant lands.

**AND WHEREAS** the Council of the Corporation of the Municipality of Whitestone deems it necessary and expedient to pass such a by-law;

**Article 1  
SHORT TITLE**

1.1.1 The short title of this is the Clean & Clear By-Law.

**Article 2  
INTERPRETATION**

- 1.2.1 Clean or cleared up - defined
- 1.2.2 Domestic waste - defined
- 1.2.3 Industrial waste - defined
- 1.2.4 Inoperative motor vehicle - defined
- 1.2.5 Inspector - defined
- 1.2.6 Municipality - defined
- 1.2.7 Owner - defined
- 1.2.8 Person - defined
- 1.2.9 Responsible person - defined
- 1.2.10 Salvage material - defined
- 1.2.11 Sewage - defined
- 1.2.12 Waste material - defined

**Article 3  
GENERAL PROVISIONS**

- 1.3.1 Land - drained - clean - clear - filled
- 1.3.2 Waste - domestic - industrial - deposit - prohibited

- 1.3.3 Dumping - storage - on private property - consent
- 1.3.4 Dumping - storage - on Municipal property - consent
- 1.3.5 Sewage - drainage - sanitary disposal - responsibility
- 1.3.6 Land - maintained - free and clear - all waste
- 1.3.7 Land - structure - in Municipality - waste disposal - prohibited
- 1.3.8 Exemptions - dumping - Municipal structures - purpose
- 1.3.9 Garbage - waste - covered - as prescribed
- 1.3.10 Vehicle - dismantled - storage - restricted
- 1.3.11 Regulation - inspection - prohibition - applicable

**Article 4  
NOTICE**

- 1.4.1 Service - by Inspector - requirements
- 1.4.2 Service - on owner - lessee - last know address
- 1.4.3 Service - on occupant - affected property
- 1.4.4 Land - structure - identified
- 1.4.5 Regulation - inspection -prohibition - applicable
- 1.4.6 Conflict - other enactment's

**Article 5  
INSPECTION - LAND- STRUCTURE**

- 1.5.1 Dumping - disposal - waste - determined
- 1.5.2 Vehicle - wrecking - salvaging - determined
- 1.5.3 Compliance - with notice determined
- 1.5.4 Obstruction - hindrance - prohibited

**Article 6  
INSPECTOR - AUTHORITY**

- 1.6.1 Failure to comply - remedy - by Inspector
- 1.6.2 Matter - things - removed - disposal - immediate
- 1.6.3 Expenses - recovery - by Municipality
- 1.6.4 Health - safety - protected - nuisance - prevented
- 1.6.5 Storage - regulated items - enclosure - requirements
- 1.6.6 Compliance - time for - determination - consideration
- 1.6.7 Compliance - time for - determination - final
- 1.6.8 Compliance - time for - stipulated - in notice
- 1.6.9 Compliance - time for - extension
- 1.6.10 Inspector - cause to be done

## **Article 7 ENFORCEMENT**

### **1.2.1 Clean of cleared up - defined**

For the purpose of Section 1.3.1, “clean and cleared up “ includes the removal of weeds or grass more than eight inches in height.

### **1.2.2 Domestic Waste - defined**

“domestic waste” means any article, thing, matter or any effluent belonging to or associated with a house or household or concerning or relating to the home or family that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing term of this Section, it is hereby declared that domestic waste extends to the following classes of waste material:

- a) accumulations, deposits, leavings, litter, remains, rubbish, trash;
- b) refrigerators, freezers or other appliances, any attached hinges or latching, locking or other closing mechanism or device, or any part thereof;
- c) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks or any part thereof;
- d) inoperative motor vehicles, vehicle parts and accessories;
- e) paper, cartons;
- f) furniture;
- g) crockery;
- h) sewage;
- i) salvage materials;
- j) waste materials;

### **1.2.3 Industrial Waste -defined**

“industrial waste” means any article, thing, matter or any effluent belonging to or associated with the 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 or salvage material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that industrial waste extends to the following classes of waste

material;

**1.2.4 Inoperative motor vehicle - defined**

“inoperative motor vehicle” means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunction’s, which prevent its mechanical function, or which does not have a current valid vehicle permit issued by the Ministry of Transportation.

**1.2.5 Inspector - defined**

“Inspector” means a Municipal Law Enforcement Officer or a person employed by the Municipality.

**1.2.6 Municipality - defined**

“Municipality” means The Corporation of the Municipality of Whitestone.

**1.2.7 Owner - defined**

“owner” means an owner, lessee or occupant, whether in lawful occupation or not.

**1.2.8 Person - defined**

“person” includes a corporation.

**1.2.9 Responsible Person - defined**

“responsible person” means the person who, in the opinion of the Inspector is the one who has caused, acquiesced or allowed some dead or act to be done or undertaken.

**1.2.10 Salvage material - defined**

“salvage material” means any scrap metal, steel, plastic, rubber or other such materials or substances or goods, of commercial value or not, collected, deposited, stored or kept for any purpose such as, without limitation, further cutting, sorting or processing, or any purpose such as, without limitation, further cutting, sorting of used motor vehicles for the purposes of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

**1.2.11 Sewage - defined**

“sewage” includes any liquid waste containing human, vegetable or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitation, but does not include roof water or storm run-off.

**1.2.12 Waste - defined**

“waste material” means material or effluent that, in the opinion of the Inspector:

- a) appears to have been cast aside or discarded or abandoned, whether it is or not; or

- b) appears to be worthless or useless or of no practical value whether it is or not; or
- c) appears to be used up, in whole or in part, or expended or worn out in whole or part; or
- d) is industrial waste or domestic waste.

### **Article 3 GENERAL PROVISIONS**

#### **1.3.1 Land - drained - clean - clear - filled**

Every owner shall keep his or her grounds, yard or vacant land filled up, drained, clean or cleared up.

#### **1.3.2 Waste - domestic - industrial - deposit - prohibited**

No person shall cause or permit waste material, domestic or industrial waste to be deposited or remain on any land in the Municipality.

#### **1.3.3 Dumping - storage - on private property - consent**

No person shall throw, place, deposit or store waste material, domestic or industrial waste, refuse or debris on private property without the written authority of the owner of the property and, where the property is occupied by someone other than the owner, in addition to the owner, the written authority of the occupant.

#### **1.3.4 Dumping - storage - on Municipal property - consent**

No person shall throw, place or store waste material, industrial or domestic waste, refuse or domestic waste, refuse or debris on Municipal property without the written authority of the Municipality.

#### **1.3.5 Sewage - drainage - sanitary disposal - responsibility**

Every owner shall provide for the sanitary disposal of sewage and drainage from his or her land or buildings.

#### **1.3.6 Land - maintained - free and clear - all waste**

Except as provided in Sections 1.3.3 and 1.3.4 and 1.3.9, every owner shall keep his or her land free and clear of all waste material, garbage, refuse or domestic or industrial waste of any kind.

#### **1.3.7 Land - structure - in Municipality - waste disposal - prohibited**

No person shall use any land or structure within the Municipality for dumping or disposing of waste material, garbage, refuse or domestic or industrial waste of any kind.

#### **1.3.8 Exemptions - dumping - Municipal structures - purpose**

Sections 1.3.6 and 1.3.7 do not apply to:

- a) land or structures used by the Municipality for the purpose of dumping or disposing of waste of any kind.
- b) land designated by by-law of the Municipality for the purpose of dumping or disposing of waste material, garbage, refuse, or domestic or industrial waste.

### **1.3.9 Garbage - waste - covered - as prescribed**

Every owner shall cover over or enclose any garbage, refuse, domestic waste of any kind or industrial waste of any kind in such a manner as may be prescribed by the Inspector in writing.

### **1.3.10 Vehicle - dismantled - storage - restricted**

Except as provided pursuant to any relevant licensing by-law in force from time to time in the Municipality, no person shall use any land or structure in the Municipality for storing used vehicles for the purpose of wrecking or dismantling them or salvaging part thereof for sale or other disposal.

### **1.3.11 Regulation - inspection - prohibition - applicable**

This By-Law applies to the regulation, inspection or prohibition of the matter referred to in this by-law and shall be applicable to all such matters whether or not the matter to be regulated, inspected or prohibited was in existence prior to the date of enactment of the enabling by-law by Council.

## **Article 4 NOTICE**

### **1.4.1 Service - by Inspector - requirements**

The Inspector may, be notice served personally or sent by registered post served on the owner, lessee or occupant of the land or structure, or the responsible person, require the owner, lessee or occupant or responsible person, within the time specified in the notice;

- a) to clean, clear or remove from the land or structure waste material, garbage, refuse or domestic or industrial waste of any kind;
- b) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

### **1.4.2 Service - on owner - lessee - last known address**

Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address, and in the case of a responsible person, the last known address for such person.

**1.4.3 Service - on occupant - affected property**

Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.

**1.4.4 Land - structure - identified**

Every notice sent by the Inspector shall identify the land or structure.

**Article 5**

**INSPECTION - LAND - STRUCTURE**

**1.5.1 Dumping - disposal - waste - determined**

The Inspector may inspect the use of any land or structure for the purpose of determining whether the land or structure is used for dumping or disposing of waste material, garbage, refuse, or domestic or industrial waste of any kind.

**1.5.2 Vehicle - wrecking - salvaging - determined**

The inspector may inspect the use of any land or structure for the purpose of determining whether the land or structure is used for the storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal.

**1.5.3 Compliance - with notice - determined**

The Inspector may inspect the use of any land or structure for the purpose of determining whether the owner, lessee, occupant or responsible person has complied with any notice sent by the inspector.

**1.5.4 Obstruction - hindrance - prohibited**

Every owner, lessee, occupant or responsible shall permit the Inspector to inspect the land or structure for the purposes of Sections 1.5.1, 1.5.2 and 1.5.3.

**Article 6**

**INSPECTOR - AUTHORITY**

**1.6.1 Failure to comply - remedy - by Inspector**

Where the owner, lessee, occupant or responsible person is in default of doing the matter or thing required to be done under this By-law, the Inspector may:

- a) fill up, drain, clean or clear up the grounds, yard or vacant land;
- b) remove refuse or debris;
- c) provide for the sanitary disposal of sewage and drainage;
- d) remove waste material, garbage, refuse or domestic or industrial waste;
- e) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

### **1.6.2 Matters - things - removed - disposal - immediate**

Where any of the matters or things are removed in accordance with Section 1.6.1, the matters or things may be immediately disposed of by the Inspector.

### **1.6.3 Expenses - recovery - by Municipality**

The Municipality may recover the expense in doing a matter or thing referred to in Section 1.6.1 from the owner, lessee, occupant or responsible person directed or required to do it by action, or in like manner as municipal taxes.

### **1.6.4 Health - safety - protected - nuisance - prevented**

Where, in the By-Law, the Inspector has the power to prescribe a manner by which garbage, refuse, waste material, domestic or industrial waste (“regulated items”) be covered over or enclosed, the said power shall be exercised to ensure that the regulated items:

- a) do not pose a health or safety hazard to the owner or members of the public; and
- b) do not create any visual or other nuisance.

### **1.6.5 Storage - regulated items - enclosure- requirements**

As the circumstances may require, the Inspector may require:

- a) that any of the regulated items be kept or stored completely within a building or an enclosure (designed or suitable for such purpose);
- b) that any land area utilized for the storage of such regulated items be completely enclosed by a fence constructed out of solid metal or wooden materials, or wire mesh, and that such fencing shall be of a height not greater than 12 feet; and
- c) that in the case of keeping or storing regulated items in an enclosed area to which clause (b) of this Section applies, that the height of the regulated items within the relevant land area not exceed the top of the fence so required.

### **1.6.6 Compliance - time for - determination - considerations**

Where, pursuant to this By-law, the Inspector specify a time within which an act, event or work shall be undertaken or done, the time so specified shall be determined by the Inspector having regard to :

- a) the nature ad extent of the work to be done; and
- b) whether any issue of public health or safety is involved in the matter

### **1.6.7 Compliance - time for - determination - final**

The determination by the Inspector as to what amount of time is appropriate shall be final.

### **1.6.8 Compliance - time for - extension**

The notice or order may stipulate a time by which an act, even or work shall be completed or alternatively the time within which the act, even or work shall be commenced and require the same to be diligently and continuously pursued until completed; and, so there is no uncertainty, the Inspector may specify a time for the commencement of work and for the ultimate completion of the work.

### **1.6.9 Compliance - time for - extension**

The Inspector may from time to time, in writing, extend the time for compliance, performance or completion of any matter specified in a notice or order.

### **1.6.10 Inspector - cause to be done**

The Inspector may cause to be done any matter or thing that the Inspector has the power to do under Section 1.6.1 and 1.6.2.

## **Article 7 ENFORCEMENT**

### **1.7.1 Fine - for contravention**

Every person who contravene any of the provision of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offenses Act.

**Read a First and Second** time this 26th day of April, 2000.

---

**REEVE, Don Carter**

---

**CLERK, Liliane Nolan**

**Read and Third time and Passed, Signed and Sealed** this 26th day of April, 2000.

---

**REEVE, Don Carter**

---

**CLERK, Liliane Nolan**