

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 2059-86

BEING A BY-LAW TO REQUIRE AND REGULATE THE FILLING UP, DRAINING, CLEANING, CLEARING OF ANY GROUNDS, YARD AND VACANT LOTS IN THE TOWN OF WHITBY

WHEREAS, Subsection 210(74) of the Municipal Act, R.S.O. 1980, c. 302, provides that by-laws may be passed by the councils of local municipalities for requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to pass such a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "fill" means sand, gravel, topsoil, rock, crushed rock, crushed stone and any other similar substance;
 - (b) "Municipal Law Enforcement Officer" means a municipal law enforcement officer appointed by the Council of the Corporation of the Town of Whitby;
 - (c) "Municipality" means the Corporation of the Town of Whitby;
 - (d) "owner" when used in relation to property means,
 - (i) the registered owner of the property,
 - (ii) the spouse of a person described in Clause (i),
 - (iii) where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation,
 - (iv) a person authorized in writing by the property owner as defined in Clause (i), (ii) or (iii) to act on the owner's behalf;
 - (e) "premises" means any grounds, yard or vacant lots; and,
 - (f) "working day" means any day except Saturday or a Holiday.

FILLING UP, DRAINING, CLEANING, CLEARING OF GROUNDS, YARDS AND VACANT LOTS

- 2.(1) The owner of any premises shall keep such premises clean and clear of old or decayed lumber, discarded machinery, discarded, wrecked or dismantled motor vehicles or any parts thereof, garbage, refuse, rubble, ruins, waste or discarded material of any kind.
- (2) The owner of any premises within three working days after delivery of notice in writing from the Municipal Law Enforcement Officer requiring such owner to do so, shall:
 - (a) fill up any hole, excavation or depression in or on the premises;

BY-LAW NO. 2059-86 (Continued)

- (b) Clean and clear the premises of any old or decayed lumber, discarded machinery, discarded wrecked or dismantled motor vehicles or any parts thereof, garbage, refuse, rubble, ruins, waste or discarded material of any kind;
 - (c) Remove any fill placed or stored on the premises contrary to the by-laws of the Municipality; and,
 - (d) Cut any or all non-noxious weeds and grass at least three times a year and more often if necessary in order that the grass and or non-noxious weeds at any time do not exceed six inches in height.
3. The above mentioned notice in writing from the Municipal Law Enforcement Officer shall be delivered to the owner or mailed by prepaid registered first class mail to the address of the owner as shown on the last revised assessment roll and the sending of the above mentioned notice shall be deemed to be good and sufficient delivery of notice upon the owner within the meaning of Subsection 2(2) of this by-law.

EXCEPTIONS

4. The provisions of this by-law shall not apply to any municipally licenced salvage yard in the Town of Whitby.

PENALTIES

- 5.(1) Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction thereof, is liable to a fine of not more than Two Thousand Dollars (\$2,000.00), exclusive of costs, recoverable under the Provincial Offences Act;
- (2) Where the owner is in default of any of the provisions of this by-law the Director of Public Works shall carry out, or cause to be carried out, on behalf of the Corporation the work required to be done by this by-law at the expense of the property owner and the Municipality shall recover the expense incurred in doing it in like manner as municipal taxes.

SHORT TITLE

6. This by-law may be referred to as the "Cleaning and Clearing of Lands By-law".

REPEAL OF EXISTING BY-LAW

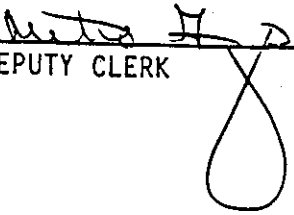
7. By-law No. 150-74 is repealed.

EFFECTIVE DATE

8. The provisions of this by-law shall come into force and take effect upon the final passing thereof.

BY-LAW NO. 2059-86 (Continued)

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF JULY, A.D., 1986.



DEPUTY CLERK



MAYOR