

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 42-95

**BEING A BY-LAW REQUIRING AND REGULATING THE
CLEANING AND CLEARING OF GROUNDS, YARDS AND
VACANT LOTS IN THE CITY OF NORTH BAY.**

WHEREAS Section 210 of The Municipal Act, R.S.O., 1990, Chapter M-45, authorizes the Council to pass By-Laws:

- (80) For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains;
- (82) 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;
- (135) For prohibiting, or regulating and inspecting the use of any land or structures within the municipality of any defined areas thereof for dumping or disposing of garbage, refuse, or domestic waste or industrial waste of any kind;
- (136) For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. In this By-Law,
 - (a) "Director" means the Director of Engineering and Environmental Services
 - (b) "City" means The Corporation of the City of North Bay
 - (c) "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 terms of this clause, it is hereby declared that domestic waste includes the following classes of waste material:
 1. Accumulations, deposits, leavings, litter, remains, rubbish, trash;
 2. Refrigerators, freezers or other appliance, any attached hinges or latching, locking or other closing mechanism or device;
 3. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 4. Inoperative motor vehicles, vehicle parts and accessories;
 5. Paper, cartons;
 6. Furniture;
 7. Crockery;
 8. Sewage;

- (d) "industrial waste" means any article, thing, matter or any effluent belonging to or associated with 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; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause, it is hereby declared that industrial waste extends to the following classes of waste material:
1. Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of,
 - (a) agricultural, animal, vegetable, paper, lumber, or wood products, or
 - (b) mineral, metal, or chemical productswhether or not the products are manufactured or otherwise processed;
 2. Automotive parts, inoperative vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
 3. Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
 4. Containers of any size, type of composition;
 5. Material resulting from, or as part of, construction or demolition projects;
 6. Rubble, inert fill;
 7. Bones, feathers, hides;
 8. Sewage;
- (e) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged and missing glass or deteriorated or removed metal adjunctions, which prevent its mechanical function;
- (f) "inspector" means a person appointed by the Director to enforce this By-Law;
- (g) "owner" means an owner, lessee or occupant;
- (h) "private drain" means a drain or sewer or part thereof situate on private property
- (i) "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 precipitated, but does not include roof water or storm run-off;
- (j) "waste material" means material or effluent that, in the opinion of the Director or an inspector ,
- (i) appears to have been cast aside or discarded or abandoned; or
 - (ii) appears to be worthless or useless or of no practical value; or
 - (iii) appears to be used up, in whole or in part, or extended or worn out in whole or in part.

CLEAN-UP

2. (1) Every owner, lessee or occupant of private lands shall keep his grounds, yard or vacant land filled up, drained, cleaned and cleared up.
- (2) Every owner, lessee or occupant shall keep in repair his private drain.
- (3) Every owner, lessee or occupant shall alter or relay the private drain as may be required by the Director.
- (4) For the purpose of subsection 2(1), "cleaned and cleared up" includes the removal of weeds or grass more than eight inches in height.

REFUSE

3. (1) No person shall throw, place or deposit refuse or debris on private property without the written authority of the owner or occupant of the property.
- (2) No person shall throw, place or deposit refuse or debris on City property without the written authority of the City and where such property is occupied by a person other than the owner, without the written authority of the occupant.

PRIVATE DRAINAGE

4. Every owner, lessee or occupant shall provide the sanitary disposal of sewage and drainage from his land or buildings.
5. (1) Except as provided in Section 3 and in Subsection 4, every owner, lessee or occupant shall keep his land free and clear of all garbage, refuse, domestic waste or industrial waste of any kind.
- (2) No person shall use any land or structure within the City for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.
- (3) Subsections 1 and 2 do not apply to:
 - (a) land or structures used by the City for the purpose of dumping or disposing of garbage or refuse, or domestic waste or industrial waste
 - (b) land designated by By-Law of the City for the purpose of dumping or disposing of garbage or refuse, domestic waste or industrial waste.
- (4) Every owner, lessee or occupant shall cover over any garbage, refuse, domestic waste of any kind or industrial waste of any kind in such a manner as may be prescribed by the Director in writing.

MOTOR VEHICLES

6. Except as provided in North Bay Zoning By-Law 28-80, no person shall use any land or structure in the City for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

NOTICES

7. (1) The Director or an inspector may, by notice sent by registered post, served on the owner, lessee or occupant of the land or structure, require the owner, lessee or occupant within the time specified with the notice,

- (a) to keep his private drains in repair;
- (b) to alter or relay his private drain;
- (c) to provide for sanitary disposal of sewage and drainage from his land or structure;
- (d) to clean, clear or remove from the land or structure garbage, refuse, domestic waste of any kind, or industrial waste of any kind;
- (e) to cease using the land or structure for the dumping or disposing of garbage, refuse, domestic waste of any kind, or industrial waste of any kind;
- (f) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the Director.

(2) Every notice sent by the Director shall identify the land or structure.

(3) Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll on to the last known address.

(4) Every notice to an occupant shall be to the address of the land or structure or to the last known address of the occupant

INSPECTION

8. (1) The Director or an inspector may inspect the use of any land or structure for the purpose of determining whether ,

- (a) the land or structure is used for dumping or disposing of garbage, refuse, domestic waste of any kind, or industrial waste of any kind;
- (b) the land or structure is used for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
- (c) the owner, lessee or occupant has complied with any notice sent by the Director or an inspector.

(2) Every owner, lessee or occupant shall permit the Director or an inspector to inspect the land or structure, excluding the interior of any dwelling unit, for the purpose of subsection 1 during the hours of 8:00 a.m. to 6:00 p.m.

ORDER

9. (1) Where the owner, lessee or occupant is in default of doing the matter or thing required to be done under this By-Law, the Director may, after a second notice providing the owner, lessee or occupant with an opportunity to be heard by City Council,

- (a) fill up, drain, clean or clear up the grounds, yard or vacant land;
- (b) repair the private drain or alter or relay the private drain;
- (c) remove refuse or debris;
- (d) provide for the sanitary disposal of sewage and drainage;
- (e) remove garbage, refuse, domestic waste or industrial waste;
- (f) cover over, screen, shield or enclose domestic or industrial waste;
- (g) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

(2) Where any of the matters or things are removed in accordance with subsection 1, the matters or things may be immediately disposed of by the Director.

(3) The City shall recover the expense in doing a matter or thing referred to in subsection 1 by action, or in like manner as municipal taxes.

(4) The Director is authorized to give immediate effect to any order issued under Section 9 that has not been complied with by the owner, where the cost of doing the work to comply with the order does not exceed \$2,000.00.

(5) Upon completion of the work referred to in subsection 4, the cost shall be added to the collectors roll and collected in like manner as municipal taxes.

PENALTY

10. Every person who contravenes any provision of this By-Law, is guilty of an offence and liable to a fine under the Provincial Offences Act.

11. By-Law 97-68, as amended, is repealed.

12. The short title of this By-Law is the Yard Clean Up By-Law, 1995.

READ A FIRST TIME IN OPEN COUNCIL THIS 27TH DAY OF FEBRUARY, 1995.

READ A SECOND TIME IN OPEN COUNCIL THIS 27TH DAY OF MARCH 1995.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 27TH DAY OF MARCH 1995.


MAYOR


CITY CLERK