

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN**

**BY-LAW # 12-06**

**BEING A BY-LAW to amend By-12-06 being a by-law to Provide for  
Maintaining Land in a Clean and Clear Condition  
Clean Yards By-Law**

**WHEREAS** pursuant to Section 10(2) Clauses 5 & 6, 127, 128, and 131 of the Municipal Act S.O. 20012, c. 25 as amended, Council may pass By-Laws for requiring the cleaning and clearing of yards, for prohibiting the depositing of refuse on private and public lands; for prohibiting automotive wrecking yards and requiring removal or repair of dilapidated fences and structures;

**AND WHEREAS** pursuant to Section 446 of the Municipal Act S.O. 2001, c. 25, as amended, a municipality may enact a bylaw to require that a matter of thing be done and in default, the matter of thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes;

**AND WHEREAS** pursuant to Section 391 of the Municipal Act S.O. 2001, as amended, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it,

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF COLEMAN HEREBY ENACTS AS FOLLOWS:**

**VEHICLES**

1.1 Short Title

This By-law shall be cited as the "Clean Yards By-Law"

1.2 Scope

The provisions of this by-law shall apply to all property within the geographic limits of the Township of Coleman, except where otherwise provided.

1.3 Enforcement

This By-law shall be enforced by a Municipal By-law Enforcement Officer, Property Standards Officer or designate, and Peace Officers.

2.4 Conflicts with other By-Law

Where a provision of this By-law conflicts with a provision of another by-law in force in the Township of Coleman, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extend of the conflict

## DEFINITIONS

Definitions of words, phrases and terms used in this by-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in the By-law.

The words, phrases and terms defined in this section have the following meaning for the purposes of this By-law

- 2.1 **“Council”** means the Municipal Council of the Township of Coleman.
- 2.2 **“Domestic Waste”** means any article, thing, matter or any effluent belonging to or associated with a residence, household or dwelling unit, 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 extends to the following classes and waste material:
- a. Grass clippings, tree cuttings, brush, leaves and garden refuse
  - b. Paper, cardboard, clothing
  - c. All kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container.
  - d. Faeces
  - e. Cans, glass, plastic containers, dishes
  - f. New or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure
  - g. Refrigerators, freezers, stoves or other appliances and furniture
  - h. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tank.
  - i. Unlicensed motor vehicles, inoperative motor vehicles, vehicle motor parts and accessories, vehicle tires mounted or not mounted on rims, mechanical equipment.
  - j. Rubble, Inert fill, fencing materials.
- 2.3 **“Hobby Vehicle”** means a vehicle that is actively being repaired or restored as a hobby for the owner/occupant of the property, a race car, or vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion.
- 2.4 **“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 no so as to restrict the generality of the 1 waste extends to the following classes of waste material:
- a) Articles, things, matter or effluent, which in whole or in part or 4 fragments thereof, are derived from or are constituted from or consist of:
    - i. agriculture, animal, vegetable, paper, lumber, or wood products or
    - ii. mineral, metal or chemical products

- iii. whether or not the products are manufactured or otherwise processed
  - b) Inoperative motor vehicles and motor vehicle parts including but not limited to tires, mechanical equipment, mechanical parts, accessories, appurtenants or adjuncts to the motor vehicles and mechanical equipment
  - c) piping, tubing conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable
  - d) containers or pallets of any size, type or composition
  - e) materials resulting from, or as part of, construction or demolition projects
  - f) rubble, inert fill except loose soil, sand, gravel
  - g) bones, feathers, hides
  - h) sewage
- 2.5 **“Inoperative Motor Vehicle”** means any motor vehicle or any motor vehicle having missing parts, including: tires, damage or missing glass, deteriorated or removed metal components, or anything which prevents its mechanical function.
- 2.6 **“Motor Vehicle”** commercial and industrial vehicles and equipment, automobiles, motorized snow vehicles, off-road vehicles, motorcycles, all-terrain vehicles, trailers, boats, marine equipment, farm equipment, construction equipment and heavy machinery.
- 2.7 **“Municipality”** means the Municipality of the Township of Coleman
- 2.8 **“Officer”** means Municipal By-Law Enforcement Officer or designate, Property Standards Officer or Peace Officers.
- 2.9 **“Owner”** includes:
- a) both the owner in trust and beneficial owner of land
  - b) The person for the time being managing or receiving rent of the land or premises in connection with which the work is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
  - c) a lessee or occupant of the property who manages or controls the condition of the property.
- 2.10 **“Person”** in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau and agency or any director, officer, manager or person in charge of such entity or the collecting of rent of any property, or any other person who is the occupier of the property.
- 2.11 **“Property Standards Committee”** means the Committee established pursuant to Section 15.6 of the Building Code Act.

- 2.12 **“Refuse”** means any article, thing, matter, substance or effluent, that: has been cast aside, discharged or abandoned, or is discarded from its usual and intended use, or is used up, in whole or in part, or expended or worn out in whole or in part; include Domestic Waste and Industrial Waste, and that domestic waste and industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable; rubble, inoperative motor vehicle, parts of motor vehicles, unused or abandoned motor vehicles, vehicles without validated licence plates, vehicles without licence plates, objects or conditions that may create fire, health or accident hazards, dead animals, old or decayed lumber, decayed trees, discarded trees, part of trees, leaves and discarded organic material.
- 2.13 **“Rubble”** includes but not limited to broken concrete, flagstone, bricks, broken asphalt, patio or sidewalk slabs.
- 2.14 **“Township”** means the Township of Coleman

## REGULATIONS

### LITTER

- 3.1 No person shall throw, place or deposit or in any manner put refuse on any Township street/road or property.
- 3.2 No person shall throw, place or deposit or in any manner put refuse on any private property within the Township.
- 3.3 Notwithstanding Section 4.1 of this by-law, acceptable refuse placed on municipal property for the purposes of regular or special garbage or waste collection, in accordance with applicable by-laws respecting garbage and waste collection, shall be exempted from the provisions of this by-law

### CLEAN UP WEEK REGULATIONS

- 4.1 No person shall place garbage, refuse or debris meant for pickup during cleanup week on private property or Township property prior to **seven days** preceding the pickup date established by Council.
- 4.2 No person shall place any appliance containing Freon gas meant for pickup during cleanup week, on private property or Township property, unless such Freon gas has been removed from the appliance by a qualified technician and such technician property tags the appliance.
- 4.3 No person shall allow items not picked up during cleanup week to remain on private property or Township property for a period exceeding two days after the pickup date.

## **VEHICLES**

- 5.1 Except as provided in the Township of Coleman Zoning By-law and amendments thereto or otherwise permitted by law, no person shall store inoperative or partly dismantled motor vehicles or parts of motor vehicles on private or town property.
- 5.2 Section 6.1 shall not apply to Owners who are actively restoring not more than one vehicle and/or one hobby vehicle provided the vehicles are stored in an enclosed structure or located in a manner so as to be screened from view by neighbouring residents or from adjacent roadways;

## **ADMINISTRATION AND ENFORCEMENT**

- 6.1 An officer may, by personal service or by notice sent by registered mail served on the owner, lessee or occupant of the land or structure, require the Owner within the time specified in the notice:
- a) to clean, clear or remove from the land or structure refuse, domestic or industrial waste of any kind;
  - b) to cease using the land or structure for the dumping or disposing of refuse, domestic or industrial waste of any kind;
  - c) to cover over, screen or enclose the refuse, domestic or industrial waste in the manner prescribed by the officer;
  - d) to pull down, repair or renew any structure (including but not limited to fences and retaining walls) that by reason of its ruinous or dilapidated state is in an unsafe condition.
- 6.2 Every notice sent by the officer shall identify the land or structure.
- 6.3 Every notice sent to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address.
- 6.4 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.
- 6.5 When there is an immediate risk to public health and safety, the notice may require immediate action or remediation.
- 6.6 A copy of the notice to the Owner will be sent to the Municipal By-Law Enforcement Officers/Special Constable unit. After the specified time of the notice for remediation has lapsed, the Officer will perform a site visit to ensure compliance. If compliance has not been met, the Officer will issue a ticket for the penalty as provided in the Provincial Offences Act.

## **RIGHT OF ENTRY**

- 7.1 Where the Municipality has a power of entry under the said Municipal Act, the power shall be exercised by an Officer of the Municipality who may be accompanied by a person under his/her direction.
- 7.2 the Municipal Officer, for the purpose of inspection and/or remedial action, may enter upon the land and into accessible or open structures other than a place actually used as a dwelling house, at any reasonable time, without notice.
- 7.3 A person exercising power of entry on behalf of the Municipality under this Act must, on request display or produce proper identification.

## **REMEDICATION**

- 8.1 Where the owner is in default of doing any matter of thing directed or required to be done under this by-law, an Officer may direct the completion of such at the owner's expense. In so doing, the Municipality may charge an administration fee in the amount of \$150.00, and both the expense and the fee may be recovered from the owner.
- 8.2 Where any matters of things are removed in accordance with Section 9.1, such matters or things may be immediately disposed of by the Officer.
- 8.3 The Municipality may recover the remedial action cost and administration fee incurred under Section 9.1 by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the *Municipal Act*.
- 8.4 The Municipality may, prior to recovering costs incurred in Section 9.1 pursuant to Section 446 of the *Municipal Act* by adding costs of the Municipal Taxes, invoice Owners requesting voluntary payment of said remedial action costs.

## **PENALTIES**

- 9.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any permit or order issued pursuant thereto commits an offence and is liable to any penalty as provided in the Provincial Offences Act.

## **VALIDITY**

- 10.1 If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses, or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

## **PROPERTY STANDARDS COMMITTEE**

- 11.1 Council shall appoint a Property Standards Committee composed of three Coleman Residents.
- 11.2 The Clerk, or designate of the Township shall act as secretary of the Property Standards Committee.
- 11.3 Every person who initiates an appeal of an order made under section 15.2(2) of the Ontario Building Code Act, S.O. 1992 c23, shall submit a Notice of Appeal in the time frame and in the manner prescribed in section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of one hundred dollars (\$100.00).

## **FORMS**

- 12.1 The forms for use as "Informal Notice", shall be a Form CY-01, Appendix "1"
- 12.2 An Order to Remedy Violation of Standards of Maintenance and Occupancy shall be on Form CY-02, Appendix "2"
- 12.3 An Order to Remedy Violation of Standards of Maintenance and Occupancy shall be on Form CY-03, Appendix "3"
- 12.4 Notice of Appeal to the Property Standards Committee shall be on Form CY-04, Appendix "4"
- 12.5 Penalty provision for the offences indicated above is Section 9 of By-Law 12.06, Appendix "5"
- 13.1 By-Law 08-08 is hereby repealed after the passage of this by-law.

This By-law will come into effect on the day of its passing

Read a first, second and third time, enacted and passed this 27<sup>th</sup> day of February, 2012

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Dan Cleroux, Mayor

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Claire Bigelow, Clerk



Form CY-01

Appendix "1" of Schedule A of By-Law 12-06

Roll No.: 5401 \_\_\_\_\_

THE CORPORATION OF THE TOWNSHIP OF COLEMAN  
INFORMAL NOTICE

Date: \_\_\_\_\_

Owner's Name and Address

Dear Sir/Madam

RE:

Be advised that on \_\_\_\_\_ an inspection of your property, as noted above, revealed certain violations of the Municipality's Clean Yard By-Law No. 12-06

**Schedule "A"**, attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-Law.

Be advised that By-Law 12-06 give the municipality the authority to issue an **ORDER TO COMPLY** pursuant to Section 15.2(2), *Ontario Building Code Act, S.O. 1992, c.23*

It is desired that you will comply with this informal notice so that the aforementioned procedural step will not be necessary.

A follow-up inspection of this property will take place on or about \_\_\_\_\_ to ascertain compliance.

Should you require further information pertaining to this matter, please do not hesitate to contact the undersigned during normal business hours.

\_\_\_\_\_  
Property Standards Officer.

Appendix "2" of Schedule A of By-Law 12-06

Roll No.: 5401 \_\_\_\_\_

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN  
ORDER TO REMEDY VIOLATION  
OF STANDARDS OF MAINTENANCE AND OCCUPANCY  
*Pursuant to Section 15.2 of the Ontario Building Code Act, S.O, 1992,c.23***

Date: \_\_\_\_\_

Owner's Name and Address

Dear Sir/Madam

RE:

**WHEREAS** on \_\_\_\_\_ you were served with an Informal **NOTICE** that required you to remedy certain violations of standards of maintenance and occupancy at y our property, described above;

**AND WHEREAS** you have failed to remedy the noted violation(s) as set out in **Schedule "A"** attached hereto and which forms part of this **ORDER**.

**THEREFORE, IT IS HEREBY CHARGED THAT** the violation(sw) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Clean Yard By-Law No. 12-06 on or before \_\_\_\_\_.

**TAKE NOTICE** that if such violations are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the committee by sending a **NOTICE OF APPEAL** by registered mail to the Secretary of the committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed*

**FINAL DATE FOR APPEAL:** \_\_\_\_\_

\_\_\_\_\_  
Property Standards Officer

Appendix "2" of Schedule A of By-Law 12-06

Roll No.: 5401 \_\_\_\_\_

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN  
ORDER TO REMEDY VIOLATION  
OF STANDARDS OF MAINTENANCE AND OCCUPANCY  
*Pursuant to Section 15.2 of the Ontario Building Code Act, S.O, 1992,c.23***

Date: \_\_\_\_\_

Owner's Name and Address

Dear Sir/Madam

RE:

**BE ADVISED** that on \_\_\_\_\_ an inspection of your property, as noted above, revealed certain violation of the Municipality's Clean Yard By-Law No. 12-06

The violation(s) are set out in Schedule "a", attached hereto, and forms part of this **ORDER**.

**IT IS HEREBY CHARGED THAT** the violation(s) as set out in Schedule "A" be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Clean Yard By-Law No. 12-06 on or before \_\_\_\_\_.

**TAKE NOTICE** that if such violation(s) are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the committee by sending a **NOTICE OF APPEAL** by registered mail to the Secretary of the committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed*

**FINAL DATE FOR APPEAL:** \_\_\_\_\_

\_\_\_\_\_  
Property Standards Officer

Appendix "2" of Schedule A of By-Law 12-06

Roll No.: 5401 \_\_\_\_\_

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN  
ORDER TO REMEDY VIOLATION  
OF STANDARDS OF MAINTENANCE AND OCCUPANCY  
*Pursuant to Section 15.2 of the Ontario Building Code Act, S.O, 1992,c.23***

Date: \_\_\_\_\_

Owner's Name and Address

Dear Sir/Madam

To the Secretary,  
Property Standards Appeal Committee  
Corporation of the Township of Coleman,  
937907 Marsh Bay Road, R R # 1,  
Coleman Township, ON, P0J 1C0.

**RE: Order to Remedy Violation of Standards of Maintenance and Occupancy at:**

**TAKE NOTICE** of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned on \_\_\_\_\_.

Name:

Address:

Telephone Number:

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the committee by sending a **NOTICE OF APPEAL** by registered mail to the Secretary of the committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed*

**FINAL DATE FOR APPEAL:** \_\_\_\_\_

\_\_\_\_\_  
Property Standards Officer

**THE CORPORATION OF THE TOWNSHIP OF COLEMAN**

**PART 1 PROVINCIAL OFFENCES ACT**

**BY-LAW NO. 12-06** being a by-law to Provide for Maintaining Land in a Clean and Clear Condition in the Township of Coleman

<b>ITEM COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
Short Form Wording	Provision creation or defining offence	Set Fine
1. Litter on Township of Coleman Property Fine not exceeding	Section 3.1	\$250.00
2. Litter on Private Property Fine no exceeding	Section 3.2	\$250.00
3. Storing inoperative motor vehicles on Private or Township Property	Section 5.1	\$150.00

\* Note: the general penalty provision for the offences listed above is section 9.1 of by-law 12-06, a certified copy of which has been filed.

I, Claire Bigelow, do hereby certify this to be a true copy of the original document which has not been altered in any way.

Claire Bigelow,  
Clerk-Treasurer  
December 14, 2012