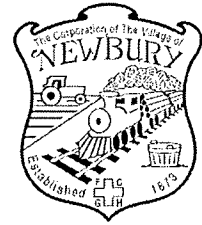


The CORPORATION OF THE VILLAGE OF NEWBURY

BY-LAW No. 125-13

CLEANING & CLEARING OF LAND



Being a By-Law for requiring and regulating the  
Cleaning and Clearing of Land,  
the Clearing of Refuse or Debris from Lands and  
Prohibiting the Depositing of Refuse or Debris on Land  
Situated Within the Village of Newbury.

WHEREAS under Section 127 of the Municipal Act S.O., 2001 as amended, a local municipality may:

- i. Require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;
- ii. Regulate when and how matters required under clause i. shall be done;
- iii. Prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- iv. Define "refuse" for the purpose of this section.

AND WHEREAS under Section 130 of the Municipal Act S.O., 2001 as amended, a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS zoning by-laws are in effect in the Village of Newbury applying to lands in the Village of Newbury to regulate the use of land and the erection, location and use of buildings and structures;

NOW THEREFORE the Council of the Village of Newbury enacts as follows:

1. Short Title

This by-law may be cited as the *Cleaning and Clearing of Land By-law*.

2. Definitions

- 2.1 **Built-Up Area** shall mean lands zoned Residential, Commercial and Agricultural in the Village of Newbury Zoning By-law No. 692, as amended from time to time.
- 2.2 **By-law Enforcement Officer**, shall mean the person appointed, by by-law, by the Municipality for the purposes of administering and enforcing the provisions of this By-law.
- 2.3 **Cleared**, shall mean the removal of weeds or grass more than 20 centimeters in height and the removal of stockpiles of soil or other earthen material not required for lawn or garden-related purposes or to complete the grading of the lot on which the stockpile is located.

the point of intersection of the street lines measured along the said street lines, and where the two streets lines intersect at a point, the point of intersection of the street line shall be deemed to extremities of the interior lot lines.

- 2.20** **Yard** shall mean the land around and appurtenant to the whole or any part of a building, and used or intended to be used or capable of being used in connection with that building and, notwithstanding the foregoing, shall mean land as defined herein.
- 2.21** **“Unlicensed vehicle”** means a motor vehicle, tractor, trailer, truck camper, boat, motorcycle, demolition endurance vehicle, motorized snow vehicle, or any vehicle drawn, propelled or driven by any kind of power or any part thereof, that

(i) is not insured and registered in accordance with The Highway Traffic Act and does not have a current, valid license plate attached to it, but does not include a derelict vehicle;

### **3. Prohibited Matters**

- 3.1** No owner shall, unless otherwise exempted by this By-law, fail to clear land of domestic refuse and or industrial refuse.
- 3.2** No owner shall, unless otherwise exempted by this By-Law, fail to enclose an excavation in accordance with Section 4.
- 3.3** No owner shall, unless otherwise exempted by this By-Law, fail to drain an accumulation of water exceeding 30 centimeters in depth.
- 3.4** No owner shall, unless otherwise exempted by this By-law, deposit domestic waste or industrial waste on land without consent of the owner.

### **4. Ponds and Excavations**

- 4.1** Every owner shall fill in any excavation to adjacent grade with non-contaminated fill unless:
- i. The excavation is enclosed completely by a fence a minimum height of four (4) feet, and;
  - ii. Construction is proceeding for which a valid building permit has been issued.
- 4.2** Every owner shall drain land of accumulations of water that exceed 2 feet in depth unless the water:
- i. Is completely enclosed by a barrier of at least 4 feet in height; or
  - ii. Constitutes a storm water management pond approved by the Municipality;
  - iii. Constitutes a natural body of water or results from the periodic flooding of a natural watercourse; or
  - iv. Constitutes an irrigation pond; or

- v. Constitutes a water garden or fish pond; or
- vi. Constitutes a private drain or a municipal drain; or
- vii. Constitutes a legally maintained swimming pool provided that such pool is completely enclosed by a barrier of least 1 meter in height.

## **5. Drainage**

- 5.1 Storm water runoff from any downspout or any impervious surface shall be directed away from neighbouring lands. Lands shall be graded and maintained to prevent pooling/ponding or the entry of water into a basement or cellar.
- 5.2 Ditches, private drains, swales and watercourses shall be maintained to facilitate the unimpeded flow of water and prevent pooling/ponding.
- 5.3 No storm water or roof water shall be discharged onto a sidewalk, walkway, steps, porch or other pedestrian access which may be hazardous or result in a potential safety risk.
- 5.4.1 No weeping tile, foundation drain, roof drain, or land drain shall be connected or discharged into any sanitary sewage system.
- 5.4.2 Only Indirect connections of weeping tile, foundation drains, roof drains or land drains shall be made to storm drainage system.

## **6. Waste On Land**

- 6.1 Every owner shall keep his land cleaned, cleared and free from domestic refuse and industrial refuse, unless:
  - i. The land is zoned for the purpose of outdoor storage of domestic refuse and industrial refuse unless;
  - ii. The land is owned, licensed and used by the Municipality for the purposes of dumping or disposing domestic refuse and/or industrial refuse.
- 6.2 Notwithstanding Section 6.1 to the contrary, land may be used for the sales and display of household goods, furnishings apparel and similar articles provided such sale and display is limited to not more than three days in any calendar year with the exception of homemade articles, crafts, things or goods made by those residing on the premises, provided the sale and display does not exceed 35% of the front yard or exterior side yard.
- 6.2 Leaves, twigs, branches, grass clippings, plants and other biodegradable matter may be composted on land provided such composting is confined to a rear yard, is situated at least one (1.0) meter from a property line and is undertaken in a manner which prevents any noxious odour emitting there from or is otherwise disposed of in accordance with the standards and regulations of the Municipality.

- 7.4.3 If there is evidence that the person in possession of the property is not the registered property owner, the notice shall be served on both the registered property owner and the person in possession of the property.
- 7.4.4 If there is evidence that the owner of the derelict or unlicensed vehicle(s) is not the registered property owner or occupant of the property, the notice shall be served on the registered property owner, the person in possession of the property and the owner of the derelict or unlicensed vehicle(s). In the case of the owner of the derelict or unlicensed vehicle(s), the notice shall be forwarded to the last address registered for that vehicle at the Motor Vehicle Branch.
- 7.4.5 If the address of the owner is unknown or the Municipality is unable to effect service on the owner or occupant under subsection 6.3, a placard stating the terms of the notice and placed in a conspicuous place upon land on or near the property shall be deemed to be sufficient notice to the owner.

## **7.5 Failure To Comply**

- 7.5.1 If an owner or occupant fails to comply with a notice given under Section 6.0, the Municipality may enter upon the owner's property or occupant's property at any reasonable time for the purpose of removing the derelict or unlicensed vehicle(s).
- 7.5.2 Costs incurred by the Municipality in removing the derelict or unlicensed vehicle(s) will be recovered through means as provided for in Section 446 of the Municipal Act as amended.

## **7.6 Notice of Removal**

- 7.6.1 Within 72 hours after removing the derelict or unlicensed vehicle(s), the Property Standards Officer or designate shall notify in writing
- (i) the owner of the derelict or unlicensed vehicle(s), if known, and
  - (ii) the owner or occupant of the private property on which the derelict or unlicensed vehicle(s) was situated of the removal. Notification will be delivered in person or by registered mail or delivery to the last known address.
- 7.6.2 The notice of the removal of the derelict or unlicensed vehicle(s) shall
- (i) describe the derelict or unlicensed vehicle(s) and the location from which it was removed;
  - (ii) identify the location to which it has been removed

## **7.7 Redemption of Derelict or Unlicensed Vehicle(s)**

- 7.7.1 The owner of the derelict or unlicensed vehicle(s) may redeem it by providing proof of ownership to the location to which it has been removed.
- 7.7.2 The owner of the derelict or unlicensed vehicle(s) is responsible for any fees owing for the storing of such vehicle(s).

9.4 The By-Law Enforcement Officer may, upon such further notice as he deems appropriate, undertake such measures or actions as may be necessary to ensure compliance with the By-Law at the expense of the owner of the lands affected and, where the expenses incurred by the Municipality are not paid within a reasonable period of time, the Municipality may recover same in like manner as taxes in accordance with the provisions of the Municipal Act, including all costs associated with By-law Enforcement.

10. **Default**

10.1 Where the owner is in default of doing a matter or thing required to be done under this By-Law, the By-Law Enforcement Officer may, upon such notice as the By-Law Enforcement Officer deems suitable, take such actions and complete such works as may be necessary to remedy the owner's default and bring the land into compliance with the terms and requirements of this By-Law.

10.2 Where any of the matters of things so removed are removed in accordance with Section 10.1, the matter or things may be immediately disposed of by the Municipality.

10.3 The Municipality shall recover all expenses incurred in undertaking any removal referred to in Section 10.1 herein by action in a court of competent jurisdiction or, otherwise in like means as municipal taxes.

11. **Offence**

11.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a penalty in accordance with Schedule "B" attached hereto and pursuant to the Provincial Offences Act, R.S.O. c.P.33, as amended.

11.2 Upon conviction, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

12. **Gender**

12.1 All references to the masculine gender shall, where appropriate, include references to the feminine gender, and all references to the singular shall, where appropriate, include references to the plural.

13. **Severability**

13.1 If any section or sections of this By-Law or parts thereof be found by any court to be illegal or beyond the power of the Municipality to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections continue in full force and effect unless and until similarly found and this By-Law shall be enacted as such.

14. **Effective Date**

14.1 This By-Law shall come into force on the date of passing thereof.

**SCHEDULE "A"**  
**By-law 125-13**

**CLEARING OF LAND PROCEDURES**

1. Written complaint received by municipal office and directed to Clerk or as per inspection by Property Standards Officer.
2. Clerk records complaint and issues copy to By-law Enforcement Officer.
3. By-law Enforcement Officer inspects the property
  - (a) Photographs are taken;
  - (b) Complaint Report completed;
  - (c) Original of Complaint Report directed to the Clerk.
4. Letter by registered mail to property owner advising of infraction, specifying a date for owner to rectify situation. Standard letters attached.

NOTE: Fifteen (5 days notice for grass, 2 weeks for all other matters).
5. If the complaint is regarding length of grass, the letter advises the property owner that, in the case of subsequent violations, the municipality may, without further notice, authorize its contractor to undertake subsequent cuttings at the owner's expense.
6. Second inspection on date specified in #4 above to determine if compliance achieved.
7. If no change in status, Notice of Violation is given by registered mail.
8. Third inspection on date specified in #7 above to determine if compliance achieved.
9. If no change in status, Order to Comply is given by registered mail.
  - (a) Order advises that if repair or clearance is not done within the time specified in the order, then the municipality may carry out the repair or clearance at the expense of the owner.
  - (b) The Order also gives the owner or occupant the option to meet with the Property Standards Committee if they are not satisfied with the terms and conditions of the Order.
10. Fourth inspection on date specified in Order to determine if compliance achieved.
11. If no change in status, a final letter is written to the owner and/or occupant advises that because they have not complied with the Order or submitted a written request to meet with the Property Standards Committee by registered mail, then the By-law Enforcement Officer arranges with a contractor to undertake necessary work.
12. Morning of scheduled clean up, the By-law Enforcement Officer inspects the property to verify status. If clean up has occurred, contractor is advised.
13. By-law Enforcement Officer meets contractor on site, photographs existing conditions and provides general instructions to contractor.
14. Police are requested to attend where the By-law Enforcement Officer anticipates a potential problem.
15. A final complaint report is completed by By-law Enforcement Officer and directed to the Clerk.

Phone: 519-693-4941  
Fax: 519-693-4340  
vnewbury@on.aibn.com  
www.newbury.ca

P.O. Box 130  
22910 Hagerty Rd.  
Newbury, Ontario  
N0L 1Z0



**LOCATION:**

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**ROLL NUMBER:**

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**Re: Notice Parking Of Derelict, or Unlicensed Motor Vehicles Dated This:**

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**Hand Delivered Date:**

**Registered Mail Date:**

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Please be advised that this office has determined there is a derelict, or unlicensed vehicle at the above location in contravention of By-law 125-13. This has been confirmed by an inspection by our office and/or the Property Standards Officer.

Pursuant to Section 7 of the By-law, lands shall be kept free and clear of derelict, or unlicensed vehicles, defined as follows:

**“Derelict vehicle”** means a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, demolition endurance vehicle, motorized snow vehicle, mechanical equipment, machinery or parts thereof, or any vehicle drawn, propelled or driven by any kind of power or any part thereof, but does not include agricultural equipment, that

(i) is not in an operating condition and is discarded, rusted, deflated tires, wrecked or partly wrecked, or is dismantled or partly dismantled;

**“Unlicensed vehicle”** means a motor vehicle, tractor, trailer, truck camper, boat, motorcycle, demolition endurance vehicle, motorized snow vehicle, or any vehicle drawn, propelled or driven by any kind of power or any part thereof, that

(i) is not insured and registered in accordance with The Highway Traffic Act and does not have a current, valid license plate attached to it, but does not include a derelict vehicle;

Whereas you are the assessed owner of the above-noted property, you are directed to clear the lands by ( \_\_\_\_\_ ).

TAKE NOTICE that should the required work not be completed by the above-noted date, the By-law Enforcement Officer will issue a Notice of Violation, an Order to Comply and cause the removal of said objects on or after the dates specified in the Notice and Order. This action is in accordance with Section 10 and Section 11 of By-law 125-13 of the Village of Newbury. The expenses may be recovered by action in a like manner as Municipal taxes plus an administration fee.

Should you have any questions concerning this notice or the impending action noted in this letter, please contact the municipal office at 519-693-4941 and your concerns will be forwarded to the Property Standards Officer.

Yours truly,

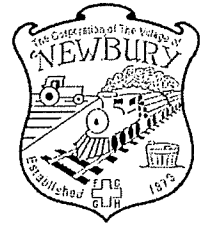
By-law Enforcement Officer,  
Village of Newbury  
C.C. Tax Department

*Village of Newbury*

*COUNTY OF MIDDLESEX*

Phone: 519-693-4941  
Fax: 519-693-4340  
[vnewbury@on.aibn.com](mailto:vnewbury@on.aibn.com)  
[www.newbury.ca](http://www.newbury.ca)

P.O. Box 130  
22910 Hagerty Rd.  
Newbury, Ontario  
N0L 1Z0



Name: \_\_\_\_\_ Roll # \_\_\_\_\_

Legal Description: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Occupant's Mailing Address: \_\_\_\_\_

Re: Notice Domestic Refuse Mail Date: \_\_\_\_\_ Hand Delivered, Registered, Regular: \_\_\_\_\_

Please be advised that this office has received a complaint regarding the accumulation of domestic refuse at the above location in contravention of By-law 125-13. This has been confirmed by an inspection by our office and/or Newbury's Property Standards Officer.

Particulars of the condition are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This is contrary to Section 2.4 which defines domestic refuse and Section 3.1 which states: "No person shall ... fail to clear land of domestic refuse..."

WHEREAS you are the assessed owner of the above-noted property, you are directed to clear the lands by the \_\_\_\_\_.

TAKE NOTICE that should the required work not be completed by the above-noted date, the By-law Enforcement Officer will issue a Notice of Violation, an Order to Comply and cause the removal of said objects on or after the dates specified in the Notice and Order. This action is in accordance with Section 10 and Section 11 of By-law 125-13 of the Village of Newbury. The expenses may be recovered by action in a like manner as Municipal taxes plus an administration fee.

Should you have any questions concerning this notice or the impending action noted in this letter, please contact the municipal office at 519-693-4941 and your concerns will be forwarded to the Property Standards Officer.

Yours truly,

By-law Enforcement Officer,  
Village of Newbury

C.C. Tax Department