

**Town of Midland By-Law No. 90-45  
To Provide for:  
MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION**

**WHEREAS** Section 210 and Section 325 of *The Municipal Act*, R.S.O. 1980, Chapter 302, provides as follows:

210. By-Laws may be passed by the Council of local municipalities:
- 74. 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.
  - 129. For prohibiting, or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.
    - (a) A by-law under this paragraph,
      - (i) May establish a schedule of fees chargeable upon inspection of such regulated land or structures,
      - (ii) May require the owners. Lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,
      - (iii) May define industrial or domestic waste.
    - (b) A by-law under this paragraph does not apply to the use of any land or structure by a municipality.
  - 130. 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.
  - 325. Where a Council has authority to direct or require by by-law or otherwise that any matter or thing be done, the Council may by the same or by another by-law direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his

expense, and the corporation may recover the expense incurred in doing it be action, or the same may be recovered in like manner as municipal taxes, or the Council may provide that the expense incurred by it, with interest, shall be payable by such person in annual installments not exceeding ten years and may, without obtaining the assent of the elector, borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years.

**NOW THEREFORE** the Council of the Corporation of the Town of Midland enacts as follows:

1. In this by-law,

(a) "By-Law officer" means the Municipal Law Enforcement Officer;

(b) "Domestic Waste" means any article, thing, matter or effluent usually out not exclusively belonging to or usually but not exclusively associated with a 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 extends to the following classes of waste material.

(1) Accumulation, deposits, leavings, litter, remains, rubbish, trash,

(2) Refrigerators, freezers or other appliances, any attached hinges or latching, locking or other closing mechanism or device,

(3) Furnace, furnace parts, pipes, fittings to pipes, water or fuel tanks,

(4) Inoperative motor vehicles, vehicle parts and accessories,

(5) Paper and cartons,

(6) Furniture

(7) Crockery

(c) For the purpose of subsection 2(1), "clean or cleared up" includes the trimming or cutting of weeds or grass more than eight inches in height.

(d) "Industrial Waste" means any article, thing, matter or effluent usually but not exclusively belonging to or usually but not exclusively 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 of 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 products, whether 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 or composition,
- (5) Material resulting from, or as part of, construction or demolition projects,
- (6) Rubble, inert fill
- (7) Bones, feather, hides
  - (e) "Inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunctions, which prevent it from functioning mechanically in the way for which it was originally designed,
  - (f) "Owner" means an owner, lessee or occupant,
  - (g) "Person" shall include all transients, owners, tenants and occupiers of lands within the municipality, and shall include any individual, association, firm, partnership, incorporated company, corporation, Agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law,
  - (h) "Municipality" means the Corporation of the Town of Midland,

- (i) "Waste Material" means material or effluent that, in the opinion of the By-Law Officer;
    - (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 expanded or worn out in whole or in part.
- 2. (1) Every owner, lessee or occupant shall keep his grounds, yard, or vacant land filled up, drained, clean or cleared up.
- 3. (1) Every owner, lessee or occupant shall keep his land free and clear of all garbage, refuse or domestic or industrial waste of any kind.
  - (2) No person shall use any land or structure within the municipality for dumping or disposing or storing or keeping of garbage, refuse or domestic or industrial waste of any kind.
- 4. Except as provided in the Restricted Area By-Law for the Town of Midland no person shall use any land or structure in the Town of Midland for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for one's own use, sale other disposal.
- 5. This by-law does not apply to:
  - (a) Land or structures used by the municipality for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste,
  - (b) Land designated by by-law of the municipality for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste.
- 6. Nothing in this by-law shall be interpreted to prohibit or prevent the use of a compost heap for the composting of domestic waste.
- 7. (1) The By-law Officer may, by notice sent by registered mail to 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 clean up, clear or remove from the land or structure 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;
    - (c) To cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the By-law Officer.
  - (2) Every notice sent by the By-law Officer 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 or to the last known address.
  - (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.
  - (5) In the event the by-law officer is unable to serve such notice under the provisions of this Section, the notice may be posted in a conspicuous place on the property, and the placing of the notice shall be deemed to be sufficient service of the notice on the property owner.
8. (1) The By-law Officer 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 or domestic or industrial waste of any kind;
  - (b) The land or structure is used for storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for one's own use, sale or disposal.
  - (c) The owner, lessee or occupant has complied with any notice sent by the by-law officer.
- (2) Every owner, lessee or occupant shall permit the by-law officer to inspect land or structure for the purpose of subsection 1.
9. (1) Where the owner, lessee or occupant is in default of doing the matter of thing required to be done under this by-law, the b-law officer may,
- (a) Fill up, drain, clean or clear up the grounds, yard or vacant land,
  - (b) Remove, refuse or debris,
  - (c) Remove garbage, refuse or domestic or industrial waste,

(d) Cover over, screen, shield or enclose domestic or industrial waste,

(e) Remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for one's own use, 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 By-law Officer.

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

10. Any person who contravenes any provision of the by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.

11. The short title of this by-law is the "Clean Yards By-Law".

This by-law shall come into force and take effect immediately after the final passing thereof.

By-law read a first, second and third time and finally passed at a meeting of the Municipal Council of the Corporation of the Town of Midland held this 23<sup>rd</sup> day of July, 1990.

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Mayor – E. F. Symons

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Clerk – F. G. Flood