



**Corporation of the Town of Ingersoll
By-Law 15-4840**

A By-Law to prescribe standards for the Maintenance of Land in the Town of Ingersoll

WHEREAS Section 127 of the Municipal Act, 2001, as amended authorizes the Councils of local municipalities to pass by-laws for requiring and regulating the clearing and cleaning of land, which by-law or bylaws;

- (a) May 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;
- (b) Regulate when and how matters required under clause (a) shall be done;
- (c) Prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) Define "refuse" for the purpose of this by-law.

AND WHEREAS the Official Plan for the Corporation of the Town of Ingersoll includes provisions relating to property conditions;

AND WHEREAS Council hereby deems long grass and weeds as defined herein to be a public nuisance pursuant to Section 128 of the Act;

AND WHEREAS Section 425 of the Act authorizes a municipality to pass a by-law providing that a person who contravenes a by-law passed under the Act is guilty of an offence;

AND WHEREAS Section 429 of the Act authorizes a municipality to provide for a system of fines for by-law offences, including designating an offence as a continuing offence;

AND WHEREAS Section 446 of the Act authorizes a municipality to enforce compliance of the by-law to require work to be done at the owner's expense, to municipality to enter onto the land and do the necessary work and to add the municipality's costs to the tax roll of the said lands and collect the costs in the same manner as property taxes;

NOW THEREFORE the Council of The Corporation of the Town of Ingersoll enacts as follows:

1 SHORT TITLE

This by-law may be cited as the "**Lot Maintenance By-Law**"

2 DEFINITIONS

2.1 In this by-law, the following definitions shall apply:

"Agricultural purposes" shall mean use of lands for agricultural purposes as defined and in accordance with the Town of Ingersoll Zoning By-Law,

"Cleared" shall mean the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located, and includes the removal of dead, decayed, or damaged trees or other natural growth including weeds;

"Commercial Motor Vehicle" means a motor vehicle used for, or associated with, a commercial activity that:

- (i) exceeds a gross vehicle empty weight of 3000 kilograms, or
- (ii) exceeds a height of 2.6 metres; or
- (iii) exceeds an overall length greater than 6 metres.

"Composting" shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus;

"Composting Container" shall mean the holding unit used to store yard, garden and household waste for the purpose of composting not exceeding one square meter and 1.8 meters in height measured from the average surrounding ground level to the utmost top of the unit;

"Derelict Motor Vehicle" shall mean:

- (i) Any vehicle as defined by the *Highway Traffic Act* and includes snowmobiles, boats, trailers, recreational and all-terrain vehicles that are either:
 - a. In such a state of disrepair or dismantlement as to be inoperative; or
 - b. Deserted or abandoned.
- (ii) For the purpose of this By-Law, a vehicle shall have been deemed to have been deserted or abandoned if it is:
 - a. without a license plate;
 - b. has a license plate which is missing an annual sticker; or
 - c. has a license plate but has an annual renewal sticker which has been expired for a period of three months or more.
- (iii) Notwithstanding (ii) above, if the Enforcement Officer is satisfied that any vehicle otherwise meeting the description in this section has not been deserted or abandoned, and then it shall NOT be deemed deserted or abandoned.

"Domestic waste" shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit that, in the opinion of the enforcement officer, appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse except any material placed in a composting container;
- (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) cans, glass, plastic containers, dishes;

- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) derelict motor vehicle, inoperative motor vehicle, vehicle motor parts and accessories, vehicle tires mounted or un-mounted on rims, mechanical equipment;
- (i) rubble, inert fill, fencing materials.

"Enforcement Officer" means the Chief Building Official or designate, and any other person appointed as By-Law Enforcement Officer and/or acting under the instructions of the Council of the Town of Ingersoll to perform inspections pursuant to this by-law;

"Industrial waste" shall mean any article, thing, matter or 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 in the opinion of the enforcement officer appears to be waste material and includes, but is not limited to, the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) containers of any size, type or composition;
- (c) rubble, inert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which are derived from or are constituted from or consist of,
 - (i) agricultural, animal, vegetable, paper, lumber or wood products; or
 - (ii) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (f) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects;
- (i) derelict motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted or un-mounted on rims, mechanical equipment.

"Land" includes yards, vacant lots or any part of a lot which is not beneath a building;

"Motor Vehicle" means any vehicle as defined by the *Highway Traffic Act* and further includes snowmobiles, boats, trailers, recreational and all-terrain vehicles

"Naturalized area" means a portion of a lot or land where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of species or other species to emulate a natural area

"Owner" includes an owner, lessee, and occupant of the land;

"Paved Surface" means a driveway or parking space surfaced and maintained with asphalt, concrete, brick, stone, block, or crushed stone.

"Perennial Gardens" means an area deliberately implemented and delineated to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a wildflower meadow or a naturalized area.

"Publicly Owned Land" means land owned by The Corporation of the Town of Ingersoll, Corporation of the County Oxford, the Upper Thames River Conservation Authority, and any Ministry or Department of the Governments of Canada or Ontario;

"Rubble" includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs and like materials;

"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; and shall include domestic waste and industrial waste applied to land;

"Town" shall mean The Corporation of the Town of Ingersoll;

"Wildflower Meadow" means a specialized habitat within a naturalized area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) in order to prevent the growth and establishment of woody shrubs and trees and would be at a minimum of 1 acre in size.

"Weed" means any plant or plant seed which is classified as a "noxious weed" by definition under the Weed Control Act of Ontario, R.S.O. 1990, CHAPTER W.5 as amended, or as otherwise recognized by Council as a non-native, invasive plant that has been deemed harmful to horticultural interest of the Town, or as a nuisance to the residents of the Town.

"Woodlot" shall mean an area of trees in excess of 0.2 hectares.

3 Lot Maintenance Standards

3.1 Every person shall keep all lands which he, she or they may own, lease or occupy, cleared.

3.1.1 For the purpose of Paragraph 3.1. "cleared" includes the removal of weeds, grass and other natural growth in excess of 20 cm in height.

3.2 Every person shall keep all lands which he, she or they may own, lease or occupy, cleaned of all refuse.

3.3 No person shall fail to enclose or restrict unlawful access to an excavation, pit or well in or on land.

3.3.1. Unlawful access to an excavation shall be reasonably prevented to the satisfaction of the enforcement officer with a barrier no less than 122 centimeters (48 inches) in height above the level of the ground adjacent to the barrier.

3.3.2. The barrier designated by Subparagraph 3.3.1. shall not be deemed to constitute a fence for the purposes of the Town of Ingersoll Fencing By-law or for the purposes of the Town of Ingersoll Swimming Pool Fencing by-law.

3.4 Lot Grading and Drainage

3.4.1All yards shall be maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.

3.4.2No storm water drainage discharge pipe shall terminate in such a manner that it will act to penetrate or damage a building, structure or property.

3.4.3Storm water emanating from a building or the yards adjacent to a building shall discharge such that it does not adversely affect adjacent properties, or cause erosion.

3.4.4 Lot Drainage shall be contained within the limits of the property from which it originated until absorbed by the soil or drained to an outlet from the property swale or ditch approved by the Town of Ingersoll's Engineer.

3.5 Placement of Fill

3.5.1 No fill material shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property upon which the fill material is located is;

- a) a construction site for which a building permit is in effect, or
- b) a development site subject to an approved agreement under the Town of Ingersoll Site Plan Control By-Law as amended.

3.5.2 No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is;

- a) a construction site for which a building permit is in effect;

- b) a property being subdivided under subdivision agreement with the *Town of Ingersoll*, or
- c) a property being actively farmed.

3.6 Dumping

3.6.1 No person shall deposit refuse on privately owned lands without lawful authority.

3.6.2 No person shall deposit refuse on publicly owned lands without lawful authority.

3.7 Condition of Surfaces

3.7.1 Every owner of lands shall keep all surfaces used for pedestrian or vehicular traffic and parking in good repair.

3.7.2 Surface conditions of privately owned walkways, driveways shall be considered in good repair where installed and maintained in a safe condition with non-organic ground cover so as to:

- a) prevent ponding of storm water;
- b) not exhibit an unsightly appearance;
- c) be kept free of garbage and waste;
- d) be kept free of deep ruts and holes;
- e) provide for safe passage under normal use and weather conditions, day or night; and
- f) not create a nuisance to another property.

3.7.3 Every owner shall maintain steps, walks, and other similar areas in a manner so as to afford safe passage.

4 Exemptions

- 4.1** Sections 3.1, 3.3 and 3.4 of this by-law does not apply to land on which construction is proceeding under a valid building permit issued by the Chief Building Official.
- 4.2** Section 3.4 of this by-law does not apply to natural bodies of water or to public drainage works.
- 4.3** Section 3.1 of this by-law shall not apply to land which is lawfully used for outdoor storage of materials in compliance with the Zoning By-law or Site Plan Control By-law.
- 4.4** Sections 3.1, 3.3, and 3.4, of this by-law do not apply to any lands used for agricultural purposes.
- 4.6** Section 3.1.1, of this by-law does not apply to a Wildflower Meadow or a Naturalized Area provided that those areas are managed in accordance with the *Weed Control Act*.
- 4.7** Section 3.1 of this by-law does not apply to any lands that are defined as a Wood Lot.

4.8 Section 3.1 of his by-law does not apply to perennial gardens, provided that the perennial gardens are managed in accordance with the Weed Control Act and provided that there is no waste.

4.9 Notwithstanding any of the preceding exceptions, this by-law does not apply to publicly owned lands or lands owned by the Crown.

5 Liability

5.1 Every owner, lessee and occupant of the lands within the territorial limits of the Town of Ingersoll are jointly and severally liable to ensure compliance of such lands and premises with the standards prescribed by this by-law.

6 Right of Entry

6.1 For the purpose of ensuring compliance with the provisions of this by-law an Enforcement Officer may, at all reasonable times, enter upon and inspect any property to determine compliance to this by-law or an order made under the authority of this by-law.

7 Administration and Enforcement

7.1 If any owner of any lands fails to comply with anything required to be done in accordance with this By-Law, the Town of Ingersoll in addition to all other remedies available at law, shall:

(a) Have the right to enter the property and remedy the said lands and/or premises so as to create and/or maintain compliance with those standards set forth in this by-law,

(b) Not be liable to compensate such owner or any other person having an interest in the property by reasons of any thing done by or on behalf of the Town of Ingersoll under provisions of this section, and

(c) Have the right to recover from the owner of the property any amount expended by or on behalf of the Town of Ingersoll under the authority of this section and such amounts may be collected in like manner as municipal taxes.

7.2 Every person who contravenes any provision of this 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, c.P.33,

7.3 An offence for violation of Section 3 of this by-law is designated as a continuing offence pursuant to Section 429 of the Act.

7.3 It is hereby declared that each and every of the foregoing provisions of the By-Law is severable and that, if any provisions of this By-Law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions hereof shall remain in full force and effect.

8 Repeal – Enactment

8.1 That Sections 3.1.1, 3.1.2, and 3.5.3 of the Property Standards By-law No. 01-3986, as amended are hereby repealed.

8.2 This by-law comes into force on the day it is finally passed.

READ a first and second time this 13th day of October, 2015.

READ a third time and finally passed this 13th day of October, 2015.



Edward (Ted) Comiskey, Mayor



Michael Graves, Clerk

Schedule "B" to By-law 15-4840

Set Fine Schedule
The Corporation of the Town of Ingersoll

Part 1 Provincial Offences Act

By-law 15-4840: Being a by-law to prescribe standards for the maintenance of land.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Fail to cut and maintain grass	Section 3.1	\$125
2	Fail to cut and maintain weeds	Section 3.1	\$125
3	Fail to cut and maintain grass and weeds	Section 3.1	\$125
4	Fail to maintain property clean of refuse	Section 3.2	\$125
5	Lot drainage not contained to property	Section 3.4.4	\$125
6	Allow fill material to remain longer than 14 days	Section 3.5.1	\$125
7	Allow fill to remain uncovered	Section 3.5.2	\$125