

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 840-08

Being a by-law to prescribe standards for
the maintenance of land.

WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (herein “the Act”) authorizes a municipality to pass a by-law requiring owners of lands to clean and clear the land and regulate how this shall be done;

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 MUNICIPALITY OF LEAMINGTON ENACTS AS FOLLOWS:

Definitions

1. In this by-law:
 - a) “grass” includes, but is not limited to, species commonly known as Bluegrass, Fescue Grasses, Ryegrass and Bentgrasses.
 - b) “municipal law enforcement officer” shall mean a municipal law enforcement officer appointed by by-law of the municipality.
 - c) “municipality” means The Corporation of the Municipality of Leamington.

- d) “owner” means the registered owner, and includes a tenant, occupant or other person in possession of the property.
- e) “property” means any lands within the municipality that are privately owned, except for any lands for which the municipality has issued a current licence pursuant to the municipality’s salvage yard by-law.
- f) “refuse” includes, but is not limited to:
 - i) any waste material;
 - ii) wrecked, dismantled, discarded or abandoned machinery, vehicles, trucks or boats;
 - iii) dead, decayed or damaged trees, brush or other natural growth.
- g) “weeds” include, but is not limited to, all noxious weeds and local weeds designated under the Weed Control Act.

Administration

- 2. The Director of Corporate Services and any person designated as a municipal law enforcement officer shall be responsible for the administration and enforcement of this by-law.

Land Maintenance Standards

- 3. Every owner of a property shall cut and maintain all grass and weeds, or any combination thereof, on the property to a height not exceeding eight inches (metric - 20 centimetres).
- 4. Every owner of a property shall maintain the property clean of all refuse and debris.
- 5. Every owner of a property shall maintain the property in a neat and tidy condition.
- 6. Every property owner shall maintain the property free of deep ruts and holes and free of ponding water.
- 7. Every owner of a property who is served with a work order pursuant to the terms of this by-law shall comply with the terms of the work order within the time frame provided therein.

Enforcement

8. Where any property is not maintained in accordance with the requirements of Sections 3, 4, 5 or 6 of this by-law, a municipal law enforcement officer may issue a work order to the owner of the property to require the property be brought into compliance with the by-law.
9. The work order shall be served upon the owner either:
 - a) personally, or
 - b) by prepaid first class mail or registered mail to the owner's address as noted on the assessment roll. Service by prepaid first class mail shall be deemed to be effective on the fifth day after the work order is mailed.
10. Where an owner who has been served with a work order issued pursuant to Section 8 of this by-law fails to comply with the work order within the time prescribed, a municipal law enforcement officer or any authorized agent acting on behalf of the municipality may enter onto the property at any reasonable time and carry out the work described in the work order.

Recovery of Costs

11. Where the municipality has carried out the work pursuant to Section 10 of this by-law, the expenses incurred by the municipality in completing the work in addition to any other remedy, may be added to the tax roll for the property and collected in the same manner as taxes.

Offences

12. Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a maximum fine as established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33.
13. An offence for violation of Sections 3, 4, 5, 6 or 7 of this by-law is designated as a continuing offence pursuant to Section 429 of the Act.

Short Title

14. This by-law may be referred to as the land maintenance by-law.

Effect

15. This by-law will take effect and come into force upon its enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS 14th DAY OF APRIL, 2008.

Signature on file

JOHN ADAMS, Mayor

Signature on file

BRIAN R. SWEET, Clerk

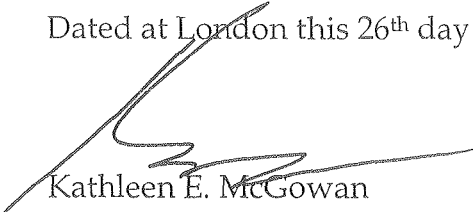
ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 840-08, of the Municipality of Leamington, attached hereto are the set fines for those offences. This Order is to take effect May 26, 2008.

Dated at London this 26th day of May 2008.



Kathleen E. McGowan
Regional Senior Justice
West Region

Set Fine Schedule**THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON****Part 1 Provincial Offences Act**

By-law 840-08 : 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	\$125.00
2	Fail to cut and maintain weeds	Section 3	\$125.00
3	Fail to cut and maintain grass and weds	Section 3	\$125.00
4	Fail to maintain property clean of refuse	Section 4	\$125.00
5	Fail to maintain property neatly	Section 5	\$125.00
6	Fail to maintain the property free of deep ruts and holes.	Section 6	\$125.00
7	Fail to maintain property free of ponding water.	Section 6	\$125.00
8	Fail to comply with work order	Section 7	\$125.00

Penalty Provision for the offences indicated above in Section 12 of By-law 840-08, a certified copy of which has been filed.