

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 41-2005

A By-law for the regulating the draining, cleaning and clearing of any land.

WHEREAS pursuant to the Municipal Act, S.O. 2001, c. 25, as amended, the Town of Ajax may pass a by-law for requiring and regulating the draining, cleaning and clearing of any land; and

WHEREAS the Council of the Corporation of the Town of Ajax deems it expedient to pass a By-law to provide for maintaining lands in a drained, clean and cleared up condition,

NOW THEREFORE, the Council of the Corporation of the Town of Ajax hereby enacts as follows:

1. SHORT TITLE

1.1 This By-law may be cited as "The Clean and Clear By-law".

2. DEFINITIONS

2.1 In this By-law:

- (a) "Refuse" includes debris, rubbish or material of any kind and without limiting the generality of the foregoing includes a vehicle that appears by reason of its appearance, mechanical condition or lack of current licence plates and validation sticker to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, garden debris, earth or rock fill, old or decayed lumber, or materials from construction or demolition projects;
- (b) "Expense" means the cost of carrying out the work to be done by the notice pursuant to Section 3.1 and a 25% administrative charge.
- (c) "Litter" includes any material left or abandoned in a place other than a receptacle or place intended, or approved for receiving such material;
- (d) "Occupant" means any person who is in control of any land;
- (e) "Officer" means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Town of Ajax;
- (f) "Owner" includes the Person or Persons identified in the most recent municipal assessment roll as the Owner of the subject property; and
- (g) "Person" includes a firm, corporation, association or partnership.
- (h) "Town" means the Corporation of the Town of Ajax.

3. ADMINISTRATIVE PROVISIONS

3.1 Every Owner or Occupant shall keep his land drained of standing or stagnant water, clean or cleared up, and shall comply with any notice given by an Officer pursuant to Section 3.3 of this by-law.

3.2 For the purposes of Section 3.1 "clean and cleared up" includes the trimming or cutting of

- weeds or grass more than 15 cm in height.
- 3.3 An Officer may require the Owner or Occupant by notice, sent by registered mail to the Owner or Occupant of the land, or by posting the notice in a conspicuous place at the land or by delivering the notice personally to the Owner or Occupant:
- (a) To clean, clear up or remove from the premises any Refuse, Litter, weeds or grass;
 - (b) To drain or fill up any hole, excavation or depression on the land.
- 3.4 A notice mailed to an Owner shall be mailed to the address of the Owner as shown on the last revised Assessment Roll or to the last known address of the Owner.
- 3.5 Where the Owner or Occupant fails to comply with a notice issued pursuant to this by-law the Town, in addition to other remedies:
- (a) Shall have the right to carry out the work as required in the notice and for this purpose may, with its servants and agents from time to time, enter in and upon the property,
 - (b) Shall have the right to recover the Expense of carrying out the work as required in the notice in the same manner as taxes, and
 - (c) Shall not be liable to compensate such Owner, Occupant or other Person having an interest in the property by reason of anything done by or on behalf of the Town under the provisions of this By-law.
- 3.6 Any Person who contravenes any provision of the By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act.
- 3.7 If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

4. REPEAL

- 4.1 By-law 136-2000 is hereby repealed.

5. EFFECTIVE DATE

- 5.1 This By-law shall come into full force and effective immediately on the day of Final passing by Council.

READ a first and second time this
Eleventh day of April, 2005

READ a third time and passed this
Eleventh day of April, 2005

Mayor

Clerk