

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 14-2011

WHEREAS pursuant to the Municipal Act, S. O. 2001, c. 25, as amended, a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS a municipality may regulate matters not specifically provided for by the Municipal Act for purposes related to health, safety and the well-being of the inhabitants of the municipality;

AND WHEREAS a municipality may pass a by-law with respect to highways and boulevards within the municipality's jurisdiction;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AJAX ENACTS AS FOLLOWS

1. Short Title

1.1 This By-law may be cited as the "Public Safety and Nuisance By-law."

2. Definitions

2.1 In this By-law:

- (a) "advertising sign" means any object used to attract public attention to any goods, services, facilities or events and includes signs, flags, banners, balloons, pennants, lights and posters.
- (b) "boulevard" means the area of a highway between the edge of pavement or curb of the roadway and the adjacent property line of the highway.
- (c) "expense" means the cost of carrying out the work to be done and an administrative charge as outlined in the Town of Ajax Fee By-law;
- (d) "highway" includes a common or public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- (e) "occupier" means any person who is in control of any property.
- (f) "Officer" means a Municipal Law Enforcement Officer appointed by the Council of the Town.
- (g) "owner" includes the person or persons identified in the most recent tax roll as owners of a subject property.
- (h) "pedestrian crossing" means any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs and pavement markings and shall include attended and unattended crossings.
- (i) "pedestrian walkway" means a Town owned path for the use of pedestrians.
- (j) "property" means land, with or without improvements so affixed to the land.

- (k) “public place” includes any place where the public has access as of right by invitation, expressed or implied or on private property that is exposed to public view.
- (l) “remove snow or ice” means a cleared sidewalk not less than 0.8 metres in width.
- (m) “roadway” means a portion of a highway improved for use for vehicular traffic.
- (n) “sight line” means a clear line of vision between conflicting motorists, cyclists, and pedestrians that allows sufficient time for safe maneuvers to be made without significantly affecting the conflicting traffic.
- (o) “Town” means The Corporation of the Town of Ajax.
- (p) “windrow” means snow left behind by snow removal apparatus which obstructs access to a pedestrian crossing.

3. OBNOXIOUS USES

- 3.1 No person shall use or permit to be used any land, building or structure for any purpose which is obnoxious, and without limiting the generality of the foregoing, for any purpose that creates or is likely to become a nuisance to the public by:
- (a) The creation of noise or vibration,
 - (b) Emissions of gas, fumes, smoke, airborne particulate matter or objectionable odour, or,
 - (c) The unsightly storage of goods, wares, merchandise, salvage, refuse, material, motor vehicles, trailers, boats, or parts of vehicles, trailers, machinery, or other such material.

4. ROADWAYS, BOULEVARDS, AND PEDESTIAN WALKWAYS

- 4.1 Every owner or occupier of property shall maintain every boulevard abutting the property in a clean, tidy and well-kept condition and, without limiting the generality of the foregoing, shall:
- (a) Remove any accumulations of discarded material.
 - (b) Keep grass or weeds in excess of 15 cm. in height cut or trimmed.
 - (c) Keep landscaping from encroaching over a boulevard, roadway, gravel shoulder or sidewalk so as to not interfere with a sight line or safe passage.
- 4.2 No person shall injure, damage, interfere with or encumber any tree, shrub, plant, bush or hedge on any boulevard or pedestrian walkway.
- 4.3 No person shall leave any basketball net, hockey net or skateboard ramp on any highway or pedestrian walkway, or utilize any basketball net, hockey net, skateboard ramp or other play structure in such a manner as to interfere with or obstruct safe passage on a highway.
- 4.4 No person shall rake, blow or place leaves on any highway except in an approved yard waste bag pursuant to the Town’s Waste Management By-law, as amended.

- 4.5 No person shall dispose of any vegetation cutting, rubbish, discarded materials, or any liquid or solid waste on any highway or pedestrian walkway, in any private or Town garbage receptacle, or in any drainage facility.
- 4.6 No person shall mark, deface, wax or damage any curb, sidewalk, or part of a highway or pedestrian walkway.
- 4.7 No person shall urinate, defecate or vomit on a highway or in a public place.
- 4.8 If a person fails to comply with a provision of this Part 4, the Town may, with its servants or agents from time to time, and in a reasonable manner, enter upon property and affect such compliance at the expense of the defaulting person, and shall have the right to recover the expense by action or by adding the expense to the tax roll and collecting them in the same manner as taxes.

5. CLEARING OF SNOW ON PRIVATE PROPERTY AND MUNICIPAL SIDEWALKS

- 5.1 Every owner or occupier of property shall remove snow or ice, including a windrow, from any sidewalk and from any fire hydrant on or bordering that property no later than 24 hours after the accumulation of snow or ice.
- 5.2 The Town may, without notice, remove snow or ice, including a windrow, from any sidewalk and from any fire hydrant bordering that property if the owner or occupier fails to do so within the aforementioned 24 hours, and the expense of doing so shall be recovered from the owner by action or by adding the expense to the tax rolls and collecting it in the same manner as taxes.
- 5.3 In accordance with Section 5.2, the cost of snow removal shall be calculated as follows;
- a) \$100 per property lots, abutting the sidewalk(s) of up to 23 meters (75.5 feet), including windrows, sidewalks, fire hydrants or any combination thereof. The lot length abutting the sidewalk will be based on measurements taken from the Town's Geographic Information System. (G.I.S.)
 - b) \$100 per property lots, abutting the sidewalk (s), in excess of 23 meters (75.5 feet), plus \$4 per additional meter (3.3 feet) of lot frontage, including windrows, sidewalks, fire hydrants or any combination thereof. The lot length abutting the sidewalk will be based on measurements taken from the Town's Geographic Information System. (G.I.S.)
- 5.4 No person shall shovel, plow or blow snow from any property onto or across a roadway, a sidewalk, a pedestrian walkway or another property, without authorization.
- 5.5 Every owner or occupier of property, not including single family residential property, shall remove snow or ice from the walkways, pathways, driveways, lanes, parking areas, and from any fire hydrant on or bordering that property no later than 24 hours after the accumulation of snow or ice.
- 5.6 If a person fails to comply with section 5.5, the Town may, with its servants or agents from time to time, and in a reasonable manner, enter upon property and affect such compliance at the expense of the defaulting person, and shall have the right to recover the expense costs by adding it to the tax roll and collecting it in the same manner as taxes.

6. IDLING PHOHIBITIONS

- 6.1 No person shall cause or permit a vehicle to idle for more than 2 consecutive minutes.
- 6.2 Section 6.1 does not apply to :
- (a) Police, Fire, Ambulance or Armoured Vehicles while engaged in operational activities, including training activities;

- (b) Vehicles assisting in an emergency activity;
- (c) Mobile workshops while they are in the course of being used for their basic function;
- (d) Vehicles where idling is required as part of a repair process or to repair a vehicle for services.
- (e) Vehicles that remain motionless because of emergency, traffic or weather conditions or mechanical difficulties over which the driver has no control;
- (f) Transit vehicles while at a layover or stopover location, except where the idling is substantially for the convenience of the operator of the vehicle;
- (g) Vehicles when the ambient outside temperature is more than 30°C or less than minus 10°C and idling of the vehicle is necessary to the operation of air conditioning or heating equipment; or,
- (h) Vehicles transporting a person where a medical doctor certifies in writing for medical reasons, the person requires the temperature or humidity to be maintained within a certain range and idling the vehicle is necessary to achieve that temperature or humidity level.

7. SWIMMING POOLS, HOT TUBS AND ORNIMENTAL PONDS

- 7.1 No person shall permit or allow water draining from a swimming pool, hot tub, wading pool, or ornamental pond to drain or migrate onto adjoining property.

8. NUISANCE FEEDING OF ANIMALS

- 8.1 No person shall throw or place, or permit to be thrown or placed, any type of food, in a yard for the purposes of feeding any birds, wildlife, or animals found to be running at large.
- 8.2 Section 8.1 of this By-law shall not apply to bird feeders that are suspended off the ground and dispense commercially available bird food such as seeds and nectars.
- 8.3 No person shall be permitted to have more than 3 bird feeders located on any property.
- 8.4 Every owner of a bird feeder shall:
- (a) keep the bird feeder clean by regularly disinfecting with a mild bleach solution; and,
 - (b) maintain the ground underneath the bird feeder by regularly raking the ground thoroughly to remove grain and bird droppings.

9. ADVERTISING SIGNS

- 9.1 No person carrying, or causing or permitting to be carried, an advertising sign on any highway shall:
- (a) approach within 1 metre of the curb or the roadway,
 - (b) interfere with pedestrians or vehicular traffic,
 - (c) throw the sign into the air or to another person, or
 - (d) approach within 5 metres of an intersecting highway or a driveway.

10. PENALTY

- 10.1 Any person who contravenes any provision of this 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 Municipal Act, S. O. 2001, c. 25.
- 10.2 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such a 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.

11. REPEAL

- 11.1 This By-law shall come into force and By-law Number 121-2009 shall be repealed on the date that the set fines are approved pursuant to the Provincial Offence Act.

Read a first and second time this
Twenty-fourth day of January, 2011

Read a third time and passed this
Twenty-fourth day of January, 2011.

Mayor

D-Clerk