

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 24-2022

Being a by-law to eliminate public safety concerns and minimize public nuisances.

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 Nuisance and Safety 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) "bordering" means abutting, parallel to, or adjacent to property or a reserve;
- (c) "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;
- (d) "Council" means the elected members of Council for the Corporation of the Town of Ajax;
- (e) "expense" means the cost of carrying out the work to be done and an administrative charge as outlined in the Town of Ajax Fees and Charges By-law;
- (f) "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/or people and includes the boulevard and the area between the lateral property lines thereof;
- (g) "occupier" means any person who is in control of any property;
- (h) "Officer" means a Municipal Law Enforcement Officer appointed by the Council of the Town or any Police Officer in the Province of Ontario;
- (i) "owner" includes the person or persons registered as the owner of a subject property in the most recent municipal tax records and/or on the deed in accordance with the records of the land registry office;
- (j) "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;
- (k) "pedestrian walkway" means a Town owned path for the use of pedestrians;
- (l) "person" means a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;

- (m) “property” means land, with or without improvements so affixed to the land;
- (n) “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;
- (o) “reserve” means a portion of land located between the property line of a private property and the lateral limits of a highway, which is held as a buffer and owned by the Town or the Regional Municipality of Durham;
- (p) “roadway” means a portion of a highway improved for use for vehicular traffic;
- (q) “sidewalk” means the portion of the highway intended for pedestrian use;
- (r) “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;
- (s) “tow truck” means a vehicle equipped to hoist and pull any motor vehicle to another location or to recover a motor vehicle that is no longer on a drivable surface;
- (t) “Town” means The Corporation of the Town of Ajax;
- (u) “windrow” means snow left behind by snow removal apparatus which obstructs access to a pedestrian crossing;

3. TOW TRUCKS

- 3.1 No person shall use, or permit to be used, any land, building or structure, on any residentially zoned property, for the parking or storage of more than one tow truck.

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; and
 - (c) Keep landscaping from encroaching over a boulevard, roadway, gravel shoulder, sidewalk, or pedestrian walkway 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 highway or Municipal property.
- 4.3 No person shall leave any basketball net, hockey net, skateboard ramp, or any other play structure on any highway or pedestrian walkway, or utilize any basketball net, hockey net, skate board 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 Municipal collection policies or any regulating authority and/or By-law regulating to curbside collection.
- 4.5 No person shall mark, deface, wax or damage any curb, sidewalk, or part of a highway or pedestrian walkway.
- 4.6 No person shall urinate, defecate or vomit on a highway or in a public place.
- 4.7 If a person or owner 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 and/or ice removal shall be the fee stated in the most recent Fees and Charges By-law. This cost will be based on the total length of the property bordering the sidewalk and 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 an individual private residence, shall remove snow or ice from the walkways, pathways, driveways, lanes, parking areas, and from any fire hydrant on 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 PROHIBITIONS

- 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, Municipal 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. DISCHARGING OF WATER

- 7.1 No owner shall permit or allow the discharging of any water, from swimming pools, hot tubs, wading pools or ornamental ponds to drain or migrate onto adjacent property.
- 7.2 No owner shall permit or allow any sump pump to be discharged directly onto any neighbouring 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, 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, 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.
- (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.
- 10.3 A person is guilty of an offence if the person:
- (a) hinders or obstructs, or attempts to hinder or obstruct, an Officer, or any person in the exercise of a power or the performance of a duty under this By-law;
 - (b) makes a false or intentionally misleading recital or fact, statement or representation or produces any falsified or fictitious agreement or document; or
 - (c) fails to perform a duty imposed within this By-law or who performs an act prohibited herein.

11. REPEAL

- 11.1 That By-law 18-2018 is hereby repealed.

Read a first and second time this
Twenty Eighth day of March, 2022.

Read a third time and passed this
Twenty Eighth day of March, 2022.

Mayor

D-Clerk