

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 18-2007

**WHEREAS** Section 128 of the *Municipal Act*, S.O. 2001, c. 25, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

**AND WHEREAS** in the opinion of Council for the Township of East Garafraxa, the storage of abandoned or derelict vehicles is or could become a public nuisance;

**NOW THEREFORE** the Council of the Corporation of the Township of East Garafraxa enacts as follows:

Definitions

1. For the purpose of this By-law, the following definitions shall apply:
  - a. "Motor Vehicle" means an automobile, motorcycle, motor assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of motor or electrical power;
  - b. "Derelict Motor Vehicle" means a Motor Vehicle that is unlicensed and/or inoperative and is not in an enclosed building, and is damaged to the extent it cannot be driven or is in a wrecked or dismantled condition or has had its source of motive power removed;
  - c. "Nuisance" includes an injurious condition or a condition which poses a risk to the health, safety or well being of any person and without limiting the generality of the foregoing, shall include a condition of unsightly storage of rubbish, salvage, refuse matter, waste or other material but does not include the storage of any material that is part of a normal farm practice as defined by the provisions of the *Farming and Food Production Protection Act*, S.O. 1998, c. 1;
  - d. "Person" means any individual, corporation, partnership, company, association, or party and the heirs, executors, administrators or other legal representative of such person;
  - e. "Township" shall mean the Corporation of the Township of East Garafraxa.

General Provisions

2. No person shall cause or permit a Derelict Motor Vehicle to be stored on any property in the Township unless specifically authorized by the Township.
3. No person shall throw, drop, place, or otherwise deposit garbage, paper, paper or plastic products, cans, rubbish, or other debris on any Township property including, but not limited to, vacant or other lands owned by the Township, a highway, roadway, sidewalk, pedestrian way, boulevard, or watercourse unless otherwise authorized by the Township.
4. No person shall throw, drop, place, or otherwise deposit garbage, paper, paper or plastic products, cans, rubbish, or other debris on any private property.
5. No person shall cause or permit any nuisance to persist on any property in the Township.
6. Nothing in this by-law shall apply to normal farm practice as defined by the provisions of the *Farming and Food Production Protection Act*, S.O. 1998, c.1.

Enforcement

7. The provisions of this By-law shall be enforced by a Municipal By-Law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this By-law.
8. The protocol contained in Schedule "B" to this by-law shall be followed to deal with matters under this By-law, unless Council directs otherwise.

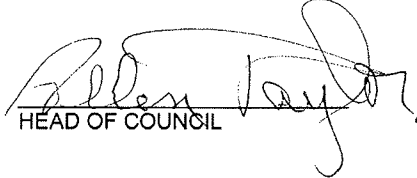
9. Notwithstanding section 9 of this By-law, nothing in this By-law shall restrict the ability of the Township to proceed with any enforcement action deemed necessary should Council or a person duly authorized to enforce this By-law pursuant to section 7 above determine that a Nuisance poses an imminent risk to the health, safety, or well-being of a person.

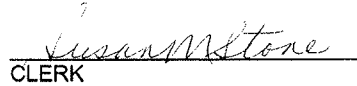
Penalty

10. Every person who contravenes any provision of this By-law established and passed by the Township, is guilty of an offence and liable upon conviction to a penalty not exceeding \$5,000.00 exclusive of costs and the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, shall apply to the said fine.
11. Schedule "A" shall form part of this By-law.
12. Schedule "A" of this By-law shall become effective upon its approval and/or amendment by the Regional Senior Justice of the Ontario Court of Justice.

BY-LAW READ A FIRST AND SECOND TIME THIS 29<sup>th</sup> DAY OF May 2007

BY-LAW READ A THIRD TIME AND PASSED THIS 29<sup>th</sup> DAY OF May 2007

  
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HEAD OF COUNCIL

  
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CLERK

Schedule "A"

Township of East Garafraxa

By-Law No. 18-2007  
Public Nuisance By-Law

Part I: Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining	Set Fine
1.	Cause or permit storage of a Derelict Motor Vehicle.	Section 2	\$100
2.	Deposit garbage on Township property.	Section 3	\$100
3.	Deposit garbage on private property.	Section 4	\$100
4.	Cause or permit nuisance to persist.	Section 5	\$125

**NOTE: the general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**

**Schedule "B" to By-Law 18-2007**

**PROTOCOL**

1. Signed letter of Complaint received by Council.
2. Council direction to proceed with inspection or file matter.
3. Request for By-Law Enforcement inspection.
4. Report to Council by By-Law Enforcement.
5. If warning issued, return visit in 14 days.
  - a. Case closed; or,
  - b. Further extension; or,
  - c. Ticket issued
    - i. Follow up visit in 14 days
    - ii. Case closed; or,
  - d. 2<sup>nd</sup> ticket issued
    - i. Return visit in 7 days
    - ii. Case closed; or
  - e. Further action taken
    - i. Additional ticket; or,
    - ii. Legal action
6. During the period, November 1 to May 31, additional time may be given by Council to comply with the orders of the By-Law Enforcement Officer.