

**CITY OF TIMMINS**

**BY-LAW NO. 1991-3630**

**BEING A BY-LAW** to repeal By-law No. 1976-733 and to require and regulate the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots in the City of Timmins.

**WHEREAS**, the Municipal Act, R.S.O. 1980, as amended Chapter 302, Section 210(74) provides that by-laws be passed by the councils of local municipalities for requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains and Section 210(76) provides for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property.

**AND WHEREAS**, it is deemed expedient to enact a by-law for such purposes;

**NOW THEREFORE** the Council of the Corporation of the City of Timmins enacts the following as a By-law:

1. That By-law No. 1976-733 be and is hereby repealed.

2. Definitions in this By-law:

(a) "**discarded motor vehicle**" means a vehicle which is unlicensed, and which is in disrepair, having missing parts, including tires, or damaged or missing glass or deteriorated or removed parts which prevent its mechanical function;

(b) "**highway**" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, including the area between the lateral property lines that is intended for the use of the general public.

(c) "**land**" includes yards, or vacant lots or any part of a lot which is not beneath of a building.

(d) "**municipal by-law enforcement officer**" means a municipal by-law enforcement officer appointed under Section 15 of the Police Services Act by the City of Timmins.

(e) "**municipality**" means the Corporation of the City of Timmins.

(f) "**owner**" when used in relation to property means:

(i) the assessed owner of the property,

(ii) where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation,

(iii) a person authorized in writing by the owner as defined in Clause (i), or (ii) to act on the owner's behalf

(g) **"waste"** includes refuse or garbage of any kind whatsoever and without limiting the generality of the foregoing includes:

- (i) accumulations, litter, remains, rubbish, trash;
- (ii) discarded furnaces, furnace parts, pipes, pipe-fittings
- (iii) discarded motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (iv) garden refuse and trimmings;
- (v) material from construction and demolition projects;
- (vi) paper, cardboard, clothing crockery, glass, cans, containers;
- (vii) refrigerators, freezers, stoves or other appliances and furniture;

(h) **"yard"** means the land appurtenant to any building

**3. No person shall abandon any material in a manner, receptacle or wrapping such that it is reasonably likely that the material will become litter on:**

**(1) private property**

**(2) property of the Municipality or any Board without authorisation from the owner of such property.(by-law 1995-4520).**

**4. No person shall use land for the storage of discarded motor vehicle(s) or parts thereof except in accordance with the following:**

**(1) the vehicle and parts are stored in an enclosed building; or**

**(2) (REPEALED BY BY-LAW 1995-4520)**

**(3) Notwithstanding the above, this section shall not apply to the storage of motor vehicles and parts which are reasonably necessary for the conduct of a bona fide business, lawfully conducted on the property**

**5. Every owner of land shall:**

**(1) keep such land clean and clear of old decayed lumber, discarded machinery, garbage, refuse, rubble, ruins, waste or discarded material of any kind,**

**(2) fill up any hole, excavation or depression in or on the premises.**

**6. Every owner of land shall within (7) seven days after delivery of a notice in writing from the Municipal By-Law Enforcement Officer requiring such owner to do so shall:**

**(1) fill up any hole, excavation or depression in or on the premises;**

**(2) Clean and clear the premises of any old or decayed lumber, discarded machinery, discarded motor vehicle or any parts thereof, garbage, refuse, rubble, ruins, waste or discarded material of any kind;**

**(3)** For the purpose of this by-law "cleaned" includes the removal of weeds or grass more than 20 cm.(8 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located.

**7.** The notice in Section 6 shall be delivered to the owner or mailed by prepaid registered first class mail to the address of the owner as shown on the last revised assessment roll and the sending of the above mentioned notice shall be deemed to be good and sufficient delivery of the notice upon the owner within the meaning of Section 6 of this by-law.

**8.** Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction is liable to a fine of not more than Five Thousand Dollars (\$5000.00), exclusive of costs, recoverable under the Provincial Offenses Act;

**(1)** Where the owner is in default on any of the provisions of the by-law The Corporation of the City of Timmins or its servants or agents shall carry out, or cause to be carried out, on behalf of the Corporation the work required to be done by this by-law at the expense of the property owner and the Municipality shall recover the expense incurred in doing it in like manner as municipal taxes.

**9.** In the event of any conflict between this by-law and any other by-law of the City, the more restrictive provision shall prevail unless the context requires otherwise.

**10.** That this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first, second and third time and finally passed this 4th day of March, 1991.

(SGD) DENNIS WELIN  
MAYOR

CERTIFIED TRUE COPY  
OF BY-LAW NO. 1991-3630

(SGD) R. J. WATSON  
CLERK

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CLERK