



OFFICE CONSOLIDATION  
BY-LAW NUMBER 10727  
THE CLEAN YARDS BY-LAW

MAY 20, 2008

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THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 10727

A BY-LAW TO PROVIDE FOR MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION AND TO REPEAL BY-LAWS 9558 AND 7264

WHEREAS Paragraph 80 of Section 210 of the Municipal Act Chapter M45, R.S.O. 1990 authorizes the Council of a local Municipality to pass By-laws 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 WHEREAS Paragraph 82 of Section 210 of the Municipal Act Chapter M45, R.S.O. 1990 authorizes the Council of a local Municipality to pass By-laws 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 Paragraph 135 of Section 210 of the Municipal Act Chapter M45, R.S.O. 1990 authorizes the Council of a local Municipality to pass By-laws prohibiting the use of any land or structures within the Municipality for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;

AND WHEREAS Section 326 of the Municipal Act Chapter M45, R.S.O. 1990 provides that where a Council has the authority to direct that any thing be done, the Council may by By-law direct that in default of it being done by the person so directed, such thing be done at the person's expense by recovering the expense of doing it in a like manner as municipal taxes;

AND WHEREAS the Council of the Corporation of the City of Welland deems it necessary and expedient to use the powers granted to it pursuant to the aforementioned Sections of the Municipal Act:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

**SECTION 1     SHORT TITLE**

**1.1**           This By-law may be referred to as the Clean Yards By-law.

**SECTION 2 DEFINITIONS**

For the purposes of this By-law all words shall have their normal and customary meaning save and except for those hereinafter defined:

**2.1** "By-Law Enforcement Officer" means a person appointed by the Corporation of the City of Welland for the purposes of enforcement of its By-laws.

**2.2** "City" means the Corporation of the City of Welland.

**2.3** "Inoperative Motor Vehicle" means a vehicle, other than a vehicle that displays a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the Highway Traffic Act, and which is driven on a regular basis, but does not include:

(a) one (1) un plated vehicle per premises, owned by the Owner or Occupant as applicable, provided the vehicle is:

(i) a "hobby repair vehicle" where hobby repair is being actively carried on;  
or

(ii) a "classic automobile", being an automobile originally manufactured prior to 1950; or

(iii) a vehicle used seasonally and plated annually for a period of time less than a full year;

(b) a vehicle in a salvage yard and the like where an un plated vehicle is an integral component of a legally operating business. (By-law 2008-64)

**2.4** "Owner" means an owner, lessee or occupant.

**2.5** "Region" means the Corporation of the Regional Municipality of Niagara.

**2.6** "Sewage" includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off.

**2.7**

"Waste" means any article, thing, matter or any effluent that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that waste extends to the following classes of waste material:

- (a) accumulations, deposits, leavings, litter, remains, rubbish, trash, branches, brush or tree clippings, paper and cardboard;
- (b) furniture and appliances, any attached hinges or latching, locking or other closing mechanisms or devices;
- (c) furnaces, furnace parts, pipes, fittings, water or fuel tanks;
- (d) automotive parts, inoperative motor vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
- (e) sewage;
- (f) articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
  - (i) agricultural, animal, vegetable, paper, lumber or wood products; or
  - (ii) mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed;
- (g) piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cables;
- (h) material resulting from, or part of, construction or demolition projects;
- (i) containers of any size, type or composition;
- (j) non-inert fill.

**2.8**

"Waste Material" means material or effluent that, in the opinion of the By-law Enforcement Officer:

- (a) appears to have been cast aside or discarded or abandoned; or

- (b) appears to be worthless or useless or of no practical value; or
- (c) appears to be used up, in whole or in part, or expended or worn out in whole or in part.

**SECTION 3 GENERAL PROVISIONS APPLICABLE TO ALL PROPERTIES**

- 3.1** Every owner, lessee, or occupant of grounds, yard or vacant lands in the City of Welland shall keep and maintain the same in a clean and clear condition and free from waste of any kind, including the removal or trimming of weeds or grass more than eight (8) inches in height.
- 3.2** No person shall throw, place or deposit by any means any waste on private property without the written authority of the owner or occupant of the property.
- 3.3** No person shall throw, place or deposit any waste of any kind on City property or Regional property without the written authority of the City or Region and where such property is occupied by a person other than the owner, without the written authority of the occupant.
- 3.4** No owner shall permit waste to remain on any property within the City.
- 3.5** Every owner, lessee or occupant shall, in accordance with the provisions of the Environmental Protection Act, dispose of waste at a site approved by the Ministry of Environment and Energy.
- 3.6** No person shall put, permit to be put, or permit to remain in an unsafe condition:
  - (a) any yard;
  - (b) any excavation or opening in any yard;
  - (c) any septic tank, cistern or well located in any yard.
- 3.7** The By-law Enforcement Officer may by registered mail send a notice to the owner, lessee or occupant at the address shown on the last revised assessment roll, requiring the owner, lessee or occupant to, within a specified time:
  - (a) remove all waste from the identified land or structure;

(b) fill in any yard or opening in any yard.

**3.8** The By-law Enforcement Officer may inspect any land or structure for the purpose of determining whether the land or structure is used for the dumping or disposal of waste of any kind or in compliance with this By-law or to ascertain that the owner, lessee or occupant has complied with any notice sent by the By-law Enforcement Officer.

**3.9** Where the owner, lessee or occupant is in default of doing the matter or thing required to be done under this By-law, the By-law Enforcement Officer may have the said grounds, yards, or vacant lands, filled up, drained, cleaned or cleared up, by any means necessary to attain compliance with this By-law.

**3.10** Where any of the matters or things are done in accordance with Subsection 3.9, the expense of having the thing done shall be recovered in a like manner as municipal taxes, in accordance with Section 326 of the Municipal Act.

**SECTION 4 PENALTY**

**4.1** Any person who contravenes this By-law is guilty of an offence and is liable, upon conviction, to a penalty in accordance with the Provincial Offences Act.

**SECTION 5 REPEAL OF OTHER BY-LAWS**

**5.1** That City of Welland By-laws 9558 and 7264 be and the same are hereby repealed.

READ THE FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 5TH DAY OF MARCH, 1996.

As Amended by: By-law 2008-64 passed May 13, 2008

NOTE: This Office Consolidation is prepared for purposes of convenience only, and for accurate reference, recourse should be had to the original By-laws.