



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 007-2016

A BY-LAW TO REGULATE THE CLEARING OF LANDS WITHIN THE TOWN OF COBOURG

WHEREAS pursuant to section 127 of the *Municipal Act 2001*, a local municipality may, require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws imposing fees or charges on any person for services or activities provided by the municipality or done on behalf of it;

AND WHEREAS section 436 (1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

AND WHEREAS section 444 of the *Municipal Act, 2001*, provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a Persons expense which that person is otherwise required to do so under this by-law, but has failed to do so and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1.0 DEFINITIONS

“**Grass**” shall mean all forms, types and species of grasses.

“**Lands**” may include but not be limited to means an open, uncovered space on a lot appurtenant to an occupied building or structure, vacant lot and yard;

“**Law Enforcement Officer**” shall mean:

- 1) a Police Officer appointed pursuant to the *Police Services Act*, R.S.O. 1990, Chapter P.15, as amended from time to time;
- 2) a Municipal Law Enforcement Officer appointed pursuant to either the *Municipal Act, 2001*, as amended from time to time, or pursuant to the *Police Services Act*. R.S.O. 1990, Chapter P.15, as amended from time to time;
- 3) Chief Building Official appointed or consulted under the *Building Code Act*, 1992, as amended from time to time;

- 4) Building Inspector appointed under the *Building Code Act*, 1992, as amended from time to time;
- 5) Fire Inspector, the Fire Marshal, an assistant to the Fire Marshal or a Fire Chief for the purposes of the *Fire Protection and Prevention Act*, 1997, c.4 as amended from time to time;
- 6) A Property Standards Officer appointed under the *Building Code Act*, 1992, as amended from time to time;

“**Lot**” shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal title to the said parcel of land was lawfully and effectively conveyed or which is a whole lot as shown on a registered plan of subdivision pursuant to the provisions of the *Planning Act*;

“**Occupant**” shall mean any person who is in control of any grounds, yard or vacant lot;

“**Overgrown**” shall mean an uncut, unkempt or unsightly state or a potential health risk;

“**Owner**” shall mean the person or persons shown on the Land Registry Office record the records of the land at the registry office, or Municipal tax roll, as having title to the land or responsibility for it, as well as the tenant and person or persons lawfully in possession of, or exercising control over, the property;

“**Person**” shall mean an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person, and “**Persons**” has a corresponding meaning, (with the exception of the Town of Cobourg);

“**Vegetation**” shall mean plants considered collectively, especially those found in a particular area or habitat.

“**Weeds**” shall mean a plant that is deemed to be a Noxious Weed under subsection 10(2), or designated as a noxious weed under clause 24(a) of the *Weed Control Act*, R.S.O.1990;

“**Weed Inspector**” shall mean Weed Inspectors appointed under the *Weed Control Act*, R.S.O.1990 as appointed and administered by the County of Northumberland.

2.0 PROVISIONS

- 2.1 Every Owner or Occupant of land shall keep land free and clear of all refuse, debris, and waste of any kind.
- 2.2 Every Owner or Occupant of land shall trim or cut weeds or grass, whether dead or alive, that are more than 8 inches (20 cm) in height.
- 2.4 Every Owner or Occupant of land shall trim, cut and/or maintain vegetation (other than weeds and grass) in such a manner as to not adversely impact the safety, visibility or passage of the general public.

3.0 PENALTY

- 3.1 (1) Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33*, and the *Municipal Act, 2001*, as both may be amended from time to time.

4.0 INSPECTION

- 4.1 A Law Enforcement Officer acting under this By-law may, at any reasonable time, enter and inspect any property, to determine any one or both of the following:
- a) Whether there is compliance with this By-law; and
 - b) Whether there is compliance with any order made under this Bylaw.

6.0 WORK ORDER

- 6.1. A Law Enforcement Officer may enter upon any land or property at any reasonable time with proper identification to determine if the owner is complying with the provisions of this by-law and may take photographs of the property's condition.
- 6.2. Where a property is not maintained in accordance with the requirements of this Bylaw:
- a) the Town may serve the owner a Work Order in writing directing the owner of the property to bring the property into conformance with the requirements of this By-law; and
 - b) the owner shall repair, remove or clean up all contraventions identified on the Work Order within seven (7) days of the Work Order being served.

7.0 SERVICE

- 7.1 Service of any document, including an order, under this By-law may be given in writing in any of the following ways and is effective:
- a) when a copy is delivered to the Person to whom it is addressed;
 - b) on the 5th day after a copy is sent by registered mail to the Person's last known address;
 - c) where service is unable to be done under subsections 6.2 (a) or (b), notice maybe given by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relate and shall be deemed to be sufficient service on the Owner or Occupant.

8.0 FAILURE TO COMPLY

- 8.1 Where an owner, having been served with a Work Order, fails to comply with the Work Order within the time specified, a Law Enforcement Officer or the Town's employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the property at a reasonable time and carry out any or all of the work described in the Work Order.

9.0 RECOVERY OF COSTS


9.1 Where the Town, its employees or authorized agents have performed the work required to bring the property into compliance with the Bylaw, all expenses incurred by the Town in doing the work as well as any related fees, shall be deemed to be a debt to the Town and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.

10.0 REPEAL

THAT By-law No.84-2005 is hereby repealed.

11.0 This By-law shall come into full force and effect upon the date of its passing.

READ a first, second and third time and finally passed in Open Council this 11th day of January, 2016.


MAYOR


MUNICIPAL CLERK