

**THE CORPORATION OF THE TOWNSHIP OF ATHENS**

**BY-LAW #2007-20**

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**BEING A BY-LAW TO PROVIDE FOR SAFE AND CLEAN PROPERTIES  
WITHIN THE TOWNSHIP OF ATHENS**

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**WHEREAS** the Municipal Act, 2001 as amended, Section 8 states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 130 of the Municipal Act, 2001, authorizes a municipality to regulate matters not specifically provided for by this Act or any Act for the purpose related to the health, safety and well being of the inhabitants of the municipality;

**AND WHEREAS** Section 9 of the Municipal Act, 2001, as amended, allows for the broad interpretation so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 120 of the Municipal Act, 2001, authorizes a local municipality to prohibit and regulate the storage of explosives and dangerous substances in the municipality;

**AND WHEREAS** Section 131(1) of the Municipal Act, 2001, authorizes a local municipality to prohibit and regulate the use of any land for the storage or motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other dispositions;

**AND WHEREAS** Section 127 of the Municipal Act, 2001, authorizes a local municipality to require the owner or occupant to clear refuse or debris from the land not including buildings;

**AND WHEREAS** Section 118 of the Municipal Act, 2001 authorize a local municipality to regulate the construction and use of scaffolding and any other thing used in constructing, repairing or altering buildings or other structures;

**AND WHEREAS** the Police Services Act, R.S.O. 1990, Section 15(1) authorizes a Municipal Council to appoint persons to enforce the By-Laws of a municipality;

**AND WHEREAS** the Police Services Act, R.S.O. 1990 Section 15(2) states that Municipal By-Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal By-Laws.

**NOW THEREFORE**, the Council of the Corporation of the Township of Athens enacts as follows;

**SHORT TITLE**

This By-Law shall be known and may be cited as the ‘Safe Property By-Law’

**DEFINITION**

“Refuse” is defined as garbage, waste, debris, long grass, brush, clippings or other material that may promote or be susceptible to fire or rodents and timber, lumber, building materials or any other type of product or material that may promote or be susceptible to fire or present a risk to safety.

## **GENERAL PROHIBITIONS**

1. No owner or occupant of any property shall cause, allow or permit any building, yard lot or grounds to be or remain in a condition contrary to the requirements of this By-Law.
2. Every owner or occupant of a property shall ensure that there are no conditions on the property which pose a risk to the health and safety of the inhabitants of the municipality.
3. Every property in the municipality shall be kept in a neat, tidy and safe condition consistent with surrounding properties, and free from:
  - a) refuse on the property, or which may blow or drift or otherwise be transported onto neighbouring properties;
  - b) long grass, discarded brush and clippings, excessive weed growth, or any other condition that may promote or be susceptible to fire or infestation by weeds, rodents or other noxious conditions;
  - c) timber, lumber, building materials or any other type of product or material stored or kept under conditions that are unsafe from fire or other dangerous risk or accident;
  - d) scrap or junk material including without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof, except in an established premise which is licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions;
  - e) buildings, fences, scaffolding, retaining walls or any other erection that, by reason of its ruinous or dilapidated state, faulty constructions or otherwise, is in an unsafe condition as danger from fire or risk of accident;
  - f) any combustible, flammable, volatile, caustic or explosive substance, unless stored under conditions that are safe and free from risk or fire or accident.
4. The owner of every property shall be responsible for the rubbish, garbage, waste or other debris which has blown, drifted or otherwise been transported from his property, including the collection and removal of the rubbish, garbage waste or other debris as directed by a By-Law Enforcement Officer or a Peace Officer.
5. Any By-Law Enforcement Officer, Peace Officer, or any person acting on the officer's instructions, may at all reasonable times and upon producing proper identification, enter onto any property for the purpose of inspecting the property to determine whether there has been a contravention of this By-Law.
6. An officer who finds a contravention of this By-Law may, in addition to any other legal remedies or enforcement proceedings available to the municipality, make an order directing compliance with this By-Law and may require the order to be carried out immediately or within such time as specified in the order.
7. The order shall be served by personal service or registered mail on the owner and/or occupant of the property as appears on the last revised rolls of the municipality, and any other person whom the officer believes is contravening this By-Law.

8. The order shall contain sufficient information to specify the nature of the contravention, its location, a description of the work required to bring the property into conformity with this By-Law, and a statement that failure to comply with the order within the time specified shall result in prosecution, entitle the municipality itself or by its contractors or agents to enter onto the property without further notice for the purpose of performing the work set out in the order and otherwise bringing the property up to the standards prescribed by this By-Law and recovering all expenses incurred in so doing by action or in like manner as real municipal taxes.
9. Notwithstanding the foregoing, if upon inspection of a property, an officer is satisfied that the property poses an immediate danger to the health or safety of any person, the officer may perform or cause to be performed at the owner's expense such remedial repairs or other work necessary to terminate the immediate danger.

### **PENALTIES**

Every person who fails to comply with an order issued under the provision of this by-law, or who contravenes any other provision of this by-law is guilty of an offence and on convictions is liable to a minimum fine of not less than \$500.00 and not more than the maximum fine of \$5000.00.

### **VALIDITY**

If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

### **REPEALS**

Any by-laws, resolutions or other actions of Council which are inconsistent with this By-Law are hereby repealed.

### **EFFECTIVE DATE**

This By-Law shall come into effect on the date of passing, thereof.

**READ A FIRST AND SECOND TIME THIS 7<sup>th</sup> DAY OF AUGUST, 2007.**

**READ A THIRD TIME AND FINALLY PASSED THIS 7<sup>th</sup> DAY OF AUGUST, 2007.**

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**MAYOR**

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**CLERK**

