

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: WAYNE CHAPUT, BY-LAW ENFORCEMENT OFFICER

TITLE: AMENDMENT TO CLEAN YARDS BY-LAW NO. 21-12

22-13 Draft By-law _____ Item _____ Policy Recommendation

Mayor D. Backer and Members of Council:

After the final passing of Clean Yards By-law No. 21-12, a copy was sent to Ms. Devyani Anandjit, who works at the Ministry of the Attorney General, Crown Law Office in Toronto.

Ms. Anandjit reviews draft bylaws and set fine schedules and recommends changes before final approval. The Clean Yards By-law was recently reviewed by Ms. Anandjit and there were a few recommendations to Sections 8 and 11 as well as the Set Fines Schedule.

For these reasons the following is recommended:

Recommendation:

BE IT RESOLVED THAT Council of the Town of Mattawa adopt By-Law No. 22-13, being a By-law to amend Clean Yards By-Law No. 21-12, Section 8, Section 11.2 and Schedule “A” the Set Fine Schedule.

Respectfully submitted,

Councillor L. Mick

**THE CORPORATION OF THE TOWN OF MATTAWA
BY-LAW NUMBER 22-13**

BEING a By-Law to amend By-Law No 21-12, being a by-law of the Town of Mattawa to provide for the maintenance of land in a clean and clear condition (Clean YardsBy-law).

WHEREAS subsection 11(2) of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended provides, inter alia, that a municipality may pass by-laws respecting the environmental well-being of the municipality, the health, safety and well being of persons and the protection of persons and property;

AND WHEREAS Section 127 of the *Municipal Act, 2001 S.O. 2001, c 25* as amended, provides that a local municipality may require the owner or occupant of land to clean and clear land, not including buildings, or to clear refuse or debris from the land, not including buildings; regulate when and how cleaning and clearing shall be done; and prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

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

AND WHEREAS section 131 of the *Municipal Act, 2001, S.O. 2001, c 25* as amended provides that a local municipality may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS section 391 of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended provides that a municipality may impose fees or charges on any persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 446 of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended authorizes the municipality that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, Section 446(2) provides that a municipality may enter upon land at any reasonable time and Section 446(3) provides that the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Part XIV of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended provides for the enforcement of municipality by-laws;

NOW THEREFORE the Council of the Corporation of the Town of Mattawa enacts as follows:

THAT By-Law No. 21-12 be amended as follows:

1. **THAT** Section 11.2 is hereby deleted in its entirety and replaced with the following:

11.2 Every *person* who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine (the amount as set out in Schedule "A" of this

By-law) as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

2. **THAT** Section 8 Enforcement be amended by adding sections 8.2 and 8.3 attached hereto:

8.2 No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law

8.3 Every person shall comply with any Order or Notice issued under the authority of this bylaw.

3. **THAT** Schedule "A" "Set Fine Schedule is hereby deleted its entirety and replaced with the following Schedule "A" attached hereto.

4. **THIS** By-Law shall come into force and effect upon being passed.

READ A FIRST and SECOND time, this 28th day of March, 2022.

READ A THIRD time and FINALLY PASSED this 28th day of March, 2022.



Mayor



Clerk