

CITY OF TIMMINS

BY-LAW NO. 2008-6599

AMENDED BY
BY-LAW 2014-7494

A By-law to provide for the filling up, draining, cleaning and clearing of land, and clearing of refuse from land.

WHEREAS Section 10 of the *Municipal Act, 2001* provides that a single tier municipality may pass by-laws providing for any service or thing that the municipality considers necessary or desirable for the public,

AND WHEREAS Section 127 of the *Municipal Act, 2001* provides that, a municipality may,

- (a) 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,
- (b) regulate when and how matters required under clause (a) may be done,
- (c) may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) define "refuse" for the purpose of the by-law,

AND WHEREAS Section 128 of the *Municipal Act, 2001* 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 it is the opinion of Council that the failure to clear refuse and debris from land is a public nuisance, including the spread of vermin;

AND WHEREAS Section 435(1.1) provides that, the power to enter shall be exercised by an employee or agent of the municipality, who may be accompanied by any person under his or her direction,

AND WHEREAS Section 446(1) of the *Municipal Act, 2001* provides that a municipality may direct that in default of clearing the land of refuse by the person directed or required to do it, the cleaning and clearing of land shall be done at the person's expense;

AND WHEREAS Section 446(2) of the *Municipal Act, 2001* provides that for the purposes of Section 446(1) the municipality may enter upon land at any reasonable time, and

AND WHEREAS Section 446(3) of the *Municipal Act, 2001* provides that a municipality may recover the costs of clearing the land from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS Section 391 of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it,

THEREFORE, the Municipal Council of The Corporation of the City of Timmins enacts as follows:

PART 1 INTERPRETATION

1.1 INTERPRETATION

In this by-law:

"agricultural purposes" shall mean the land used for cultivating soil, producing crops and for the raising of livestock as an "agricultural operation" as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1, but does not include the portion of land used as a woodlot,

"Antique motor vehicle" means a motor vehicle that is 30 years of age or older, is owned as a collector's item, registered with a bonafide organization and is operated solely for use in exhibitions, club activities, parades and other similar functions and is not used for general transportation;

"City" shall mean the Corporation of the City of Timmins,

"cleared" includes the removal of weeds or grass more than 20 centimeters (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, and includes the draining, the treatment and the disposing of water on any property where there is a swimming pool that is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes,

"composting" shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus,

"composting container" shall mean the holding unit used to store yard, garden and household waste for composting,

"domestic waste" shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container,
- (d) cans, glass, plastic containers, dishes,
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) unlicensed motor vehicle, inoperative motor vehicle, vehicle motor parts and accessories, vehicle tires mounted or not mounted on rims, mechanical equipment;
- (i) rubble, inert fill, fencing materials,

"enforcement officer" means a police officer or a municipal law enforcement officer for the City of Timmins

"industrial waste" shall mean any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) containers of any size, type or composition;
- (c) rubble, inert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluents that are derived from, 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;
- (f) bones, feathers, hides,
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects;
- (i) unlicensed motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted or not mounted on rims, mechanical equipment.

"inoperative motor vehicle" shall mean a licensed or unlicensed vehicle, having missing, damaged, deteriorated or removed parts including, but not limited to: wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation;

"land" includes yards, vacant lots or any part of a lot that is not beneath a building,

"naturalized area" means a portion of a lot where a lawn or perennial garden previously maintained by the owner that has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of species or other species to emulate a natural area,

"Owner" means any person(s), for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on their own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include a lessee, tenant or occupant of the property who under the terms of the lease or other rental agreement is required to maintain the property in accordance with this by-law and may include all other persons having a legal interest in the property,

"perennial gardens" means an area deliberately implemented to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a wildflower meadow or a naturalized area,

"Person" means a natural person, an individual, a firm, a corporation, an association or partnership and their heirs, executors, administrators or other legal representative of a person to whom the context can apply according to the law. .

"rubble" includes but not limited to broken concrete, bricks, broken asphalt, patio or sidewalk slabs,

"refuse" means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste; and that domestic waste or industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable,

"unlicensed" shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*, displayed on the motor vehicle,

"unlicensed motor vehicle" shall mean a motor vehicle that is unlicensed (unless in accordance with the City's Zoning By-law),

PART 2 GENERAL PROVISIONS

2.1 Every owner shall keep his land filled up and drained of standing water.

2.2 Every owner shall fill any excavation on the land unless completely enclosed by a temporary barrier at least 122 centimeters (48 inches) in height.

2.3 Every owner shall drain land of accumulations of water that exceed 30 centimeters (12 inches) in depth unless it is completely enclosed by a temporary barrier of at least 122 centimeters (48 inches) in height or such water constitutes a storm water management pond approved by the City.

2.4 Every owner shall keep their land clean, cleared and free of refuse.

2.5 No person shall throw, place, dump or deposit refuse on private property or City property without lawful authority.

2.6 Every owner shall keep or maintain the water in a swimming pool in a condition that is not a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.

2.7 Every owner shall remove refuse from his land.

PART 3 GENERAL PROHIBITIONS

3.1 No person shall fail to clear land of refuse.

3.2 No person shall fail to enclose an excavation with a temporary barrier at least 122 centimeters (48 inches) in height.

3.3 No person shall fail to drain an accumulation of water exceeding 30 centimeters (12 inches) in depth.

3.4 No person shall deposit refuse on private property without lawful authority.

3.5 No person shall deposit refuse on municipal property without lawful authority.

3.6 No person shall keep or maintain the water in a swimming pool in a condition that is a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.

3.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Enforcement Officer in the enforcement of the provisions of this by-law.

PART 4 EXEMPTIONS

4.1 Section 2.2 of this by-law does not apply to land on which construction is proceeding under a valid building permit.

4.2 Section 2.6 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.

4.3 Sections 2.4 and 2.5 of this by-law shall not apply to land that is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing by-laws and regulations.

4.4 Sections 2.4 and 2.5 of this by-law shall not apply to land or structures designated by or operated by the City for the purpose of dumping or disposing of refuse.

4.5 This by-law does not apply to perennial gardens, if the perennial gardens are managed in accordance with the *Weed Control Act* and if there is no waste.

4.6 This by-law does not apply to a wildflower meadow or a naturalized area if those areas are managed in accordance with the *Weed Control Act*, and if there is no waste.

4.7 This by-law does not apply to the placement or collection of waste in accordance with the City of Timmins' Waste Collection By-law.

PART 5 ENFORCEMENT

5.1 Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

5.2 The court in which a conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

5.3 A Municipal Law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter onto land for the purposes of inspection of the land.

5.4 Where anything required or directed to be done in accordance with this by-law is not done, the Manager of By-law Services or persons designated may upon such notice as they deem suitable, do such thing at the expense of the person required to do it. In so doing may charge an administration fee of 15% of such expense with a minimum fee of \$100.00, and both the expense and fee may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

5.5 Where the City proceeds pursuant to section 5.4 of this by-law, a Municipal Law Enforcement Officer may enter onto the lands accompanied by any person under his or her direction, and with the appropriate equipment as required, to bring the property into compliance with this by-law.

5.6 Where any of the matters or things removed in accordance with section 5.4 of this by-law, the matters or things may be immediately disposed of by the Manager of By-law Services, or their designate.

PART 6 REPEAL – ENACTMENT

6.1 By-law 1991-3630 and all of its amendments are hereby repealed.

6.2 This by-law comes into force and effect on April 1, 2008

6.3 Short Title

The short title of this by-law shall be the "Cleaning & Clearing of Land By-law".

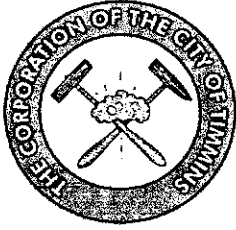
READ a first, second and third time and finally passed this 11th day of February 2008



THOMAS B. LAUGHREN, MAYOR



R.J. WATSON, CLERK



ADMINISTRATIVE REPORT

2008-6599

A by-law for the "Cleaning and Clearing of Land"
In the City of Timmins

BACKGROUND:

The attached by-law replaces by-law 1991-3630. When Council passed by-law 1991-3630 the Director of Planning and Building of the day stated that, it complimented the property standards by-law by permitting the Corporation to deal with outside nuisance and waste in a quick and efficient manner. The same holds true today, since 1991, the Property Standards by-law has had two major revisions. Updating, expanding the interpretation section, and giving the by-law a new name is the final step in updating those by-laws that deal with unsightly private properties and the owners of those properties.

DISCUSSION:

Regulatory by-laws of today require more detail than those of the past. We interpret the words "common sense" broadly and today's society constantly questions the authority of the Corporation. For those reasons we expanded the preamble of the by-law to clearly provide evidence our authority and rights under the Municipal Act. Further, we expanded the "interpretation" section of the by-law for the purpose of clarity. Finally, we added a section titled "exemptions" to the by-law, this section also adds clarity to the by-law by clearly states the permitted uses in certain areas.

RELEVANT LEGISLATION:

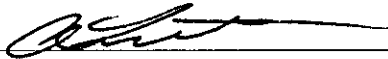
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done at the person's expense; Section 446(2) provides that for the purposes of Section 446(1) the municipality may enter upon land at any reasonable time, and Section 446(3) provides that a municipality may recover the costs of clearing the land from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes; Section 391 provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it,

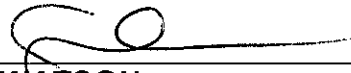
**RECOMMENDATIONS/
RESOLUTION:**

That Council repeal by-law 1991-3630 and enacts the "Cleaning & Clearing of Land by-law as presented.

Prepared by: Amos Latta
February 5, 2008



Approved by: R.J. Watson




R. J. WATSON
CLERK

CAO'S RECOMMENDATIONS:

YES NO

Comments:



J. Torlone, CAO

**DATE APPROVED BY
COUNCIL:**

RESOLUTION #:



PORCUPINE GOLD MINES

P.O. Box 70
4315 Gold Mine Road
South Porcupine, ON
P0N 1H0

TEL (705) 235-6521
FAX (705) 235-6598
CELL (705) 465-4055
EMAIL dave.bucar@goldcorp.com

DAVE BUCAR
STRATEGIC DEVELOPMENT MANAGER

www.goldcorp.com

10 August 2009

Residents and Home Owners
Parts of Fourth Avenue and Templeton Avenue
Schumacher ON P0N 1G0



Dear Residents and Home Owners,

RE: Notice of clean up for Goldcorp Lands in parts of the Fourth Avenue – Templeton Avenue Ave area.

Goldcorp owns the surface rights to the ground in the area of Fourth Avenue and Templeton Avenue as shown on the attached map.

The City of Timmins has requested that refuse be removed from this land as per the City of Timmins Cleaning & Clearing of Land By-Law (No.2008-6599).

This cleanup was started in the fall of 2008 with the removal of a substantial amount of refuse and some buildings. Goldcorp has hired contractors to complete this clean up in early to mid-September. We will try to minimize any inconvenience caused by our cleanup activities.

If you have any questions, please contact me at the address above.

Yours truly,

A handwritten signature in black ink, appearing to be "Dave Bucar".

Dave Bucar, M.Sc., P. Eng.
Strategic Development Manager

Porcupine Gold Mines

Restoring our Past ... Growing our Present ... Investing in our Future



0 50 100
Meters



Goldcorp surface rights

Goldcorp will be tidying up our surface rights as per
the City of Timmins request.

Please remove any material you may have on our property.



Drawn by: R. Price
Date: 23 July 2009
Scale: 1:3500
Location: Timmins, ON

Goldcorp Canada Ltd.

Goldcorp surface rights
Templeton Street and Vipond Ave area
Schumacher ON

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR, PIÈCE 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE : (705)564-7624
FACSIMILE/TÉLÉCOPIEUR : (705)564-7620

February 27, 2008

Mr. Amos Latta
Municipal Law Enforcement Officer
City of Timmins
220 Algonquin Blvd., East
Timmins, Ontario, P4N 1B3

Dear Mr. Latta:

***Re: Set Fines – Provincial Offences Act – Part I -
City of Timmins, Cochrane District***

Enclosed herewith is a copy of 2 Orders and copies of a schedules of set fines for By-law No's. 2007-6568, 2008-6599, the By-law indicated in the schedules. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the City of Timmins.

The setting of the fines does not constitute my approval of the short form of wording used to describe the Offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Timmins, together with a certified copy of the By-law.

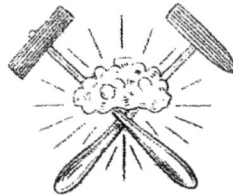
Yours truly,

A handwritten signature in black ink, appearing to read 'RAH'.

RICHARD A. HUMPHREY
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

RAH/sp
Encl.

c.c.: Her Worship Jane Forth, Regional Senior Justice of the Peace
His Worship Alex Spence, Timmins



CITY OF TIMMINS

MUNICIPAL OFFICES
220 ALGONQUIN BOULEVARD EAST
TIMMINS, ONTARIO
P4N 1B3

February 12, 2008

Ministry of the Attorney General
Crown Law Office Criminal
10th Floor
720 Bay Street
Toronto, Ontario
M5G 2K1

Please find enclosed our request for approval of the short form wording for City of Timmins By-law No. 2008-6599 a by-law to provide for the filling up, draining, cleaning and clearing of and , clearing of refuse from land within the City of Timmins.

The following items are enclosed:

- (1) One set short form wording with City of Timmins suggested fines shown.
- (2) One set short form wording without City of Timmins suggested fines.
- (3) One certified true copy of By-law No. 2008-6599

I hope you will find the enclosed material to your satisfaction for approving the short form wording. For any inquiries, please contact the undersigned.

Yours truly

A handwritten signature in black ink, appearing to read 'A. Latta'.

AMOS LATTA
Deputy Clerk
Manager of By-Law Services

CITY OF TIMMINS

BY-LAW NO. 2008-6599

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3.4 No person shall deposit refuse on private property without lawful authority.

3.5 No person shall deposit refuse on municipal property without lawful authority.

3.6 No person shall keep or maintain the water in a swimming pool in a condition that is a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.

3.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Enforcement Officer in the enforcement of the provisions of this by-law.

PART 4 EXEMPTIONS

4.1 Section 2.2 of this by-law does not apply to land on which construction is proceeding under a valid building permit.

4.2 Section 2.6 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.

4.3 Sections 2.4 and 2.5 of this by-law shall not apply to land that is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing by-laws and regulations.

4.4 Sections 2.4 and 2.5 of this by-law shall not apply to land or structures designated by or operated by the City for the purpose of dumping or disposing of refuse.

4.5 This by-law does not apply to perennial gardens, if the perennial gardens are managed in accordance with the *Weed Control Act* and if there is no waste.

4.6 This by-law does not apply to a wildflower meadow or a naturalized area if those areas are managed in accordance with the *Weed Control Act*, and if there is no waste.

4.7 This by-law does not apply to the placement or collection of waste in accordance with the City of Timmins' Waste Collection By-law.

PART 5 ENFORCEMENT

5.1 Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

5.2 The court in which a conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

5.3 A Municipal Law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter onto land for the purposes of inspection of the land.

5.4 Where anything required or directed to be done in accordance with this by-law is not done, the Manager of By-law Services or persons designated may upon such notice as they deem suitable, do such thing at the expense of the person required to do it. In so doing may charge an administration fee of 15% of such expense with a minimum fee of \$100.00, and both the expense and fee may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

5.5 Where the City proceeds pursuant to section 5.4 of this by-law, a Municipal Law Enforcement Officer may enter onto the lands accompanied by any person under his or her direction, and with the appropriate equipment as required, to bring the property into compliance with this by-law.

5.6 Where any of the matters or things removed in accordance with section 5.4 of this by-law, the matters or things may be immediately disposed of by the Manager of By-law Services, or their designate.

PART 6 REPEAL – ENACTMENT

6.1 By-law 1991-3630 and all of its amendments are hereby repealed.

6.2 This by-law comes into force and effect on April 1, 2008


6.3 Short Title

The short title of this by-law shall be the "Cleaning & Clearing of Land By-law".

READ a first, second and third time and finally passed this 11th day of February 2008

CERTIFIED TRUE COPY
OF BY-LAW NO. 2008 - 6599

(SGD) THOMAS B. LAUGHREN
MAYOR



Amos A. Latta
DEPUTY CLERK

(SGD) R.J. WATSON
CLERK

THE CORPORATION OF THE CITY OF TIMMINS
PART 1 *Provincial Offences Act*

BY-LAW NO. 2008-6599 Being a by-law to provide for the filling up, draining and clearing of land, and clearing of refuse from land.

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fine |
|------|--|---|----------------------|
| 1 | Fail to clear and clean land of refuse | Section 3.1 | \$250.00 |
| 2 | Fail to enclose an excavation with a temporary barrier at least 122 centimeters in height | Section 3.2 | \$150.00 |
| 3 | Fail to drain an accumulation of water exceeding 30 centimeters in depth | Section 3.3 | \$90.00 |
| 4 | Unlawfully deposit refuse on private property without lawful authority | Section 3.4 | \$300.00 |
| 5 | Unlawfully deposit refuse on City property without lawful authority | Section 3.5 | \$300.00 |
| 6 | Unlawfully keep or maintain water in a swimming pool in a condition that is a health hazard, or is malodorous, or is a breeding place for mosquitoes | Section 3.6 | \$150.00 |

NOTE: Penalty provision for the offences indicated above is section 5 of By-law 2008-6599, a certified copy of which has been filed.

THE CORPORATION OF THE CITY OF TIMMINS
PART 1 *Provincial Offences Act*

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OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR, PIÈCE 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE : (705)564-7624
FACSIMILE/TÉLÉCOPIEUR : (705)564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2008-6599 of the City of Timmins, Cochrane District, attached hereto is the set fine for those Offences. This Order is to take effect March 6, 2008.

Dated at the City of Greater Sudbury, this 27th day of February 2008.

A handwritten signature in black ink, appearing to read 'R. Humphrey'.

RICHARD A. HUMPHREY
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

THE CORPORATION OF THE CITY OF TIMMINS
PART 1 *Provincial Offences Act*

pm

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