

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1036

A by-law to provide for maintaining land in a clean and clear condition.

WHEREAS Section 102 of The Municipal Act, R.S.O., 1990, Chapter M.45, authorizes the council of a municipality to pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law;

AND WHEREAS Paragraphs 30, 80, 82, 135 and 136, of Section 210 of The Municipal Act, R.S.O., 1990, Chapter M.45, authorizes the Council of a municipality to pass by-laws as follows:

Section 210:

- 30. For requiring owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fences or gates that if erected would be contrary to any by-law of the municipality.
- 80. For 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.
- 82. For 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.
- 135. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.
- 136. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

AND WHEREAS Paragraph 1 of Section 314 of The Municipal Act, R.S.O., 1990, Chapter 302, authorizes the Council of a municipality to pass by-laws as follows:

- 1. For prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges.

NOW THEREFORE THE COUNCIL OF THE TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

- 1. This by-law may be cited as the "Land Maintenance By-Law".
- 2. This by-law shall apply to all land within the Town of Marathon including residential, non-residential and vacant land.
- 3. In this by-law:
 - (a) "By-Law Enforcement Officer" means a By-Law Enforcement Officer of The Corporation of the Town of Marathon;

- (b) "Highway" means a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes;
 - (c) "Inoperative Motor Vehicle" means a motor vehicle which is not operative or which is not currently licenced pursuant to the provisions of The Highway Traffic Act (Ontario) and amendments thereto, or a motor vehicle which has had part or all of its superstructure or sources of motive power removed;
 - (d) "Land" includes yard or vacant lot;
 - (e) "Motor Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power;
 - (f) "Owner" means an owner, lessee or occupant of any land in the Town;
 - (g) "Outdoor Swimming Pool" means a structure, basin, chamber or tank located in the open air or in unenclosed portions of buildings which are open to the air on one or more sides, and containing or intended to contain an artificial body of water for swimming, water sport, water recreation or entertainment but does not include wading pools or hydro-massage pools.
 - (h) "Waste" includes refuse or garbage of any kind whatsoever and without limiting the generality of the foregoing includes:
 - (i) Accumulations, littering, remains, rubbish, trash;
 - (ii) Discarded furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks;
 - (iii) Paper, cartons;
 - (iv) Discarded furniture;
 - (v) Crockery, glass, cans, containers;
 - (vi) Garden refuse and trimmings;
 - (vii) Material from construction and demolition projects;
 - (viii) Domestic, Commercial and industrial waste;
 - (i) "Town" means The Corporation of the Town of Marathon.
 - (j) "Yard" means an open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky.
- 4.1 No person shall deposit or cause to be deposited waste or objects on any lands that may create a health, fire or accident hazard
- 4.2 No person shall deposit or cause to be deposited snow or ice accumulations on lands that may create a health, fire or accident hazard.
- 4.3 No person shall deposit or cause to be deposited snow or ice from private lands onto public lands.
- 4.4 Being the owner of private lands, no person shall deposit the growth of hedges, shrubs, trees or similar growth on such private lands to interfere with the use of a highway, town sidewalk, or land.
- 4.5 Grass and/or weeds shall be kept trimmed so as to not exceed 20 centimetres in height. Being the owner of private lands, no person shall permit the growth of grass and/or weeds on such lands in excess of 20 centimetres in height.
- 5.1 No person shall permit land to be used for the storage of inoperative motor vehicle(s) or parts thereof except in accordance with the following:
- (a) the vehicle and parts are stored in an enclosed building; or
 - (b) the vehicle and parts are fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair, in which case no more than one (1) such covered vehicle shall be permitted in any yard.
- 5.2 Notwithstanding the above, this section shall not apply to the storage of motor

vehicles and parts which are reasonably necessary for the conduct of a bona fide business, lawfully conducted on the property.

- 6.1 No person shall permit or cause to be permitted the throwing, placing or depositing of waste on private land or public lands.
- 6.2 Notwithstanding the above, nothing in this by-law shall be deemed to interfere with the filling or raising of land with earth or rock fill or with the disposal of waste on any lands which have been designated for that purpose by by-law of the Town.
- 7.1 All lands shall be graded, filled up or otherwise drained so as to prevent recurrent pending of storm water.
- 7.2 No person shall permit or allow on property owned or occupied by such person any holes, pits, excavations or trenches constituting a health, fire or safety hazard.
- 8.1 No person shall erect or cause to be erected an outdoor swimming pool without first obtaining a permit from the Town certifying approval of plans of prescribed fences and gates for such outdoor swimming pool.
- 8.2 Privately-owned outdoor swimming pools shall be surrounded by a fence which has a minimum height of 1.8 metres and such fence shall be constructed so as to prohibit the entrance of anyone into the pool area through the fence and such fence shall have a minimum of one gate and such gate(s) shall have lock(s) which restrict access into the pool area by unauthorized persons.
- 8.3 No person shall place water in a privately-owned outdoor swimming pool unless the prescribed fence(s) and gate(s) have been erected.
- 9. In the event of any conflict between this by-law and any other by-law of the Town, the more restrictive provision shall prevail unless the context requires otherwise.
- 10. Any person violating any of the provisions of this by-law shall be subject to a penalty of not more than Two Thousand Dollars (\$2,000.00), exclusive of costs, and all such penalties shall be recoverable under The Provincial Offences Act, R.S.O. 1990. Chapter P-33, as amended from time to time.
- 11. This by-law shall come into force and take effect upon its final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY

PASSED THIS _____ DAY OF _____, A.D., 1996.

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Mayor

(SEAL)

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Clerk

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO.1431

A by-law to amend By-Law No. 1036, being a by-law to provide for maintaining land in a clean and clear condition.

WHEREAS the Municipal Act, S.O., 2001, Section 8, states 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 the Council of the Town of Marathon deems it necessary to pass by-laws regarding land maintenance;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON ENACTS AS FOLLOWS:

- 1. THAT By-Law No. 1036 be and is hereby amended by deleting Section 4.1 and replacing it with the following:
 - 4.1 All lands and yards shall be kept clean and free from rubbish, rubble or other debris and from objects or conditions that might create a health, fire or accident hazard, or an unsightly condition out of character with the surrounding environment.
- 2. THAT this by-law shall come into force and take effect on its final day of passing.

READ A FIRST AND SECOND TIME THIS 13TH DAY OF DECEMBER, A.D., 2004.

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Mayor

(SEAL)

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Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF DECEMBER, A.D., 2004.

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Mayor

(SEAL)

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Clerk