

TOWN OF MARKHAM
Ontario



BY-LAW 140-91

**A BY-LAW TO REGULATE THE FILLING UP, DRAINING,
CLEANING AND CLEARING OF ANY GROUNDS, YARDS
AND VACANT LOTS IN THE TOWN OF MARKHAM, AND
PROHIBITING THE DUMPING OF REFUSE AND DEBRIS
ON PRIVATE OR PUBLIC PROPERTY**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to 5 August, 2003)

AS AMENDED BY:

By-law 25-93 - February 9, 1993

By-law 232-96 - September 24, 1996

BY-LAW 140-91

**A by-law to regulate the filling up, draining,
cleaning and clearing of any grounds, yards
and vacant lots in the Town of Markham, and
prohibiting the dumping of refuse and debris
on private or public property**

WHEREAS paragraph 74 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, authorizes a municipality to pass a by-law requiring the cleaning and clearing of any ground or yards.

AND WHEREAS paragraph 76 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, authorizes a municipality to pass a by-law 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.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

In this by-law,

- (a) "inspector" means a person designated by the Council of the Town of Markham to enforce the provisions of its by-laws;
 - (b) "owner" shall mean the owner or occupant or person in charge of any premises;
 - (c) "premises" shall mean any grounds, yard or vacant lot;
 - (d) "refuse" or "debris" shall mean any waste material of any kind and, without limiting the generality of the foregoing, shall include garbage, junk, tin cans, old or decayed lumber, discarded, deserted or inoperable machinery including automobiles and parts thereof or therefor, furniture and construction materials;
 - (e) "Town" shall mean the Corporation of the Town of Markham.
2. No owner shall dump, place, deposit or permit to be dumped, placed or deposited on any grounds, yards or vacant lots within the Town of Markham any refuse or debris and, without limiting the generality of the foregoing, this shall include automobiles or parts thereof.

3. (1) No person shall throw, place or deposit any refuse or debris on private property or on any lands owned by the Town or any local board thereof, unless such person has been authorized by the owner or occupant to do so.
- (2) No person shall aid or assist any person to throw, place or deposit any refuse of debris on private property or public lands or permit the use of his or her property to be utilized for such a purpose.

(Section 3 (2) Amended by By-law 25-93)

(Section 3 (2) Amended by By-law 232-96)

- (3) Any person who has violated subsections (1) and (2) of this section shall immediately remove or cause to be removed all refuse or debris to the satisfaction of the Town.

(Section 3 (3) Amended by By-law 232-96)

4. The owner of any grounds, yards, or vacant lot on which water collects by reason of any depression, excavation or hole, or for any other reason whatsoever, shall cause the same to be properly drained to the satisfaction of the Town.

5. (1) The owner of any premises, immediately after receipt of notice in writing from the Town, requiring such owner to do so, shall:

- (a) fill up any hole, excavation or depression, in or on the premises; and
- (b) clean and clear the premises of and from all refuse and debris, deserted or inoperable motor vehicles and any parts thereof or therefor.

- (2) For the purposes of this by-law:

- (a) “deserted motor vehicle” means a vehicle that has been left unattended and that, in the opinion of the inspector, by reason of its age, appearance, mechanical condition, lack of number plates or invalid number plates, appears to have been abandoned;
- (b) “inoperable motor vehicle” means a vehicle not having valid number plates which, by reason of age, appearance and mechanical condition is, in the opinion of an inspector, not repairable to the extent necessary to put it into roadworthy condition.

6. The aforesaid notice in writing may either be delivered to the owner or mailed by prepaid first class post to the address of the owner, as shown on the last revised assessment roll, and the sending of such notice shall be deemed to be good and sufficient delivery of notice upon the owner.
7. Wherever this by-law directs or requires any matter to be done, in default of its being done by the person directed or required to do it, such matter or thing shall be done by the Town or its agents at the expense of such person, and the Town may recover all expenses so incurred by action or in like manner as municipal taxes.
8. Nothing in this by-law shall apply to any licensed salvage yard.
9. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine in the amount provided for by section 61 of the Provincial Offences Act, R. S. O. 1990, c. P.33, or any successor legislation in substitution therefor.

(Section 9 Amended by By-law 25-93)

10. Town of Markham By-law Number 117-73, as amended, is hereby repealed in its entirety.

SCHEDULE 'A' TO 140-91

(Amended by By-law 25-93)

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
1.	Owner - dump debris on own lands	s. 2	\$505.00
2.	Person - dump debris on private or public lands	s. 3 (1)	\$505.00
3.	Person - fail to immediately remove debris	s. 3 (2)	\$505.00
4.	Owner - fail to drain water from own property	s. 4	\$505.00
5.	Owner - fail to fill depressions upon notification	s. 5 (1) (a)	\$505.00
6.	Owner fail to clear own property on notification	s. 5 (1) (b)	\$505.00

NOTE: The penalty provision for the offences indicated above is Section 9 of By-law No. 140-91.