

# THE CORPORATION OF HALDIMAND COUNTY

## By-law No. 1646/16

### **Being a by-law to amend By-law 731/06, respecting litter, yard waste and property maintenance**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act*, S.O. 2001, c.25 (“the Act”), as amended authorizes Haldimand County to pass by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property;

**WHEREAS** Section 127 of the Act, as amended, provides that a local municipality may require an 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 building; to regulate when and how such matters shall be done; to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and to define refuse;

**WHEREAS** Section 128 of the Act, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances;

**WHEREAS** Section 131 of the Act, 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;

**WHEREAS** Sections 446 (1) and 446 (3) of the Act provide that where a municipality has authority by by-law or otherwise, to direct that a matter or thing be done, the municipality may direct that, in default of it being done by the person required to do it, such matter or thing be done by the municipality at the person’s expense and the municipality may recover the expense incurred by action or by adding the cost to the tax roll and collecting the cost in the same manner as taxes; and

**AND WHEREAS** the Council of The Corporation of Haldimand County deems it necessary to amend By-law 731/06, to reflect the intent of the definition of an “Inoperable Motor Vehicle”

**NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:**

1. **THAT** Section 1.e. be repealed and replaced with:

“**Inoperative Motor Vehicle**” shall mean and includes any motor vehicle that is, dismantled, broken or incomplete, decayed or dilapidated by reason of:

- a. missing or damaged part(s), tire(s), engine, drive train or body components or window(s) or;
- b. the removal or damage of other parts or equipment necessary for the motor vehicle’s operation or;

- c. being in an unsightly state of disrepair missing doors, glass or body parts or;
  - d. being wrecked and incapable of use as a means of lawful transportation or has an industry standard book value as a means of transportation that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licensed mechanic
2. **THAT** this By-law shall take precedence over any by-law with which it is inconsistent.
3. **AND THAT** this By-law shall come into force and take full effect on the date of passing.

READ a first and second time this 7<sup>th</sup> day of March, 2016.

READ a third time and finally passed this 7<sup>th</sup> day of March, 2016.

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MAYOR

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CLERK