

TOWNSHIP OF ST. CLAIR

BYLAW NUMBER 31 OF 2014

AS AMENDED BY BYLAW 35 OF 2021

Being a By-law requiring owners or occupants to cut grass on Township boulevards fronting or adjacent to privately owned lands in all residential, suburban residential, commercial, institutional, and industrial, both vacant and otherwise.

WHEREAS the Municipality may pass a by-law requiring the owners or occupants of designated buildings and lots in the municipality to cut and maintain grass on Township owned alleys and boulevards on highways abutting their lands;

AND WHEREAS section 446(1) of the Municipal Act enables a municipality that has authority by by-law or otherwise to direct or require a matter or thing to be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done by the Township at the full expense of the Owner;

AND WHEREAS section 446(3) of the Municipal Act enables a municipality to recover the costs of doing a thing or matter under section 446 (1) 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 are collected;

AND WHEREAS the Council of the Corporation of the Township of St. Clair ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this bylaw:
 - a) “alley” means the Township owned property abutting the rear, side, or exterior side lots of vacant land, occupied or unoccupied institutional, industrial, commercial, and residential lots [**AS ADDED BY BYLAW 35 OF 2021**].
 - b) “boulevard” means the Township owned portions of property adjacent to the front, rear, and side lot areas of vacant land, occupied or unoccupied institutional, industrial, commercial, and residential buildings and occupied dwellings excluding the paved portion of a highway.
 - c) “commercial building” means a building used primarily for commercial uses.
 - d) “dwelling” includes a single family detached dwelling, a semi-detached dwelling and all townshouses.
 - e) “dwelling semi-detached” means a building containing two attached single family dwellings with a common wall dividing the two dwellings vertically.
 - f) “dwelling single family detached” means a building containing one single family.
 - g) “highway” means a street or highway including a provincial highway and all under the jurisdiction of the County of Lambton and the Township.
 - h) “industrial building” means a building used primarily for industrial purposes.
 - i) “institutional building” means a building used primarily for institutional purposes.
 - j) “occupant” includes every person residing in a dwelling who is at least sixteen years of age and who is not physically handicapped.

- k) “owner” means the registered owner of the land.
- l) “residential building” means a building used primarily for human habitation but does not include dwellings.
- m) “townhouse” means a building which abuts a public street, containing three or more attached single family dwellings, each of which has direct access from ground level.
- n) “township” shall mean the Corporation of the Township of St. Clair.

REQUIREMENTS:

- 2. (i) Owners of vacant land, occupied or unoccupied institutional, industrial, commercial and residential buildings and unoccupied dwellings, and;
 - (ii) Occupants of dwellings shall cut grass on all boulevards in front of, alongside, abutting or at rear of vacant land or the land occupied by such buildings or dwellings when the height of the grass exceeds six (6) inches or fifteen (15) centimetres.
 - (iii) **Owners of any land abutting an alley is required to cut grass and weeds when the height of the grass exceeds six (6) inches or fifteen (15) centimetres. Where an alley is flanked on two sides by private property, the Owner of each property abutting the alley is responsible to maintain the land according to this provision [as added by Bylaw 35 of 2021].**

ADMINISTRATION AND ENFORCEMENT:

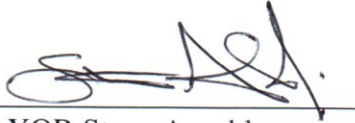
- 3. When any **alley or** boulevard is not maintained in accordance with the requirements of this By-law the Township shall give the Owner or Occupant a notice, in writing, directing the Owner or Occupant of the property abutting the **alley or** boulevard to maintain the boulevard, and the notice shall specify the time allowed to comply with the direction but the time specified in the notice shall not be sooner than seven (7) days after the issuing of the notice **[as added by Bylaw 35 of 2021]**.
- 4. The Notice shall be either delivered personally to the owner or occupant or mailed by regular mail to the last known address of the owner or occupant.
- 5. If the Township is unable to effect service personally or by regular mail, notice may be given by placing a placard containing the terms of the notice in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice on the owner or occupant.
- 6. Where such Owner or occupant has failed to comply with the requirements of this By-law and the terms set out in a notice of non-compliance, the Township may undertake the work with the entire expense being borne by the Owner and the Township may recover the costs by action or the same by the same manner municipal taxes are collected.
- 7. In addition to the fee associated with action being taken by the Township under article 6, the Owner is subjected to an administration fee in the amount of **50%** of the total expense undertaken by the Township to have the boulevard brought into compliance with Section 2 of this By-law **[as amended by Bylaw 35 of 2021]**.

This bylaw shall be supplementary to the Township’s Maintaining Land By-law and By-law 34 of 2007 shall remain in effect.

This bylaw shall come into effect upon the final passing thereof.

READ A FIRST AND SECOND TIME this the 14th of July 2014

READ A THIRD AND FINAL TIME this the 14th day of July 2014.



MAYOR Steve Arnold



CLERK Jeff Baranek

