

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 69-2002

Being a By-law to regulate the fouling of Roads.

WHEREAS the Council of the Corporation of the Town of Ajax is authorized to pass a By-law pursuant to the Municipal Act, R.S.O. 1990 to prohibit or regulate the obstruction, encumbering, injuring or fouling of roads and bridges, for prohibiting the throwing, placing or depositing of dirt, refuse or any other debris on any road or bridge.

AND WHEREAS the Council of the Corporation of the Town of Ajax deems it expedient to pass a By-law to ensure safe passage along all roads, and to reduce the inconvenience and nuisance to all residents or the general traveling public.

NOW THEREFORE the Council of the Corporation of the Town of Ajax hereby enacts as follows:

1. DEFINITIONS

In this By-law,

- 1.2 “Clean” means to sweep and/or flush the roads with a mechanical street cleaning vehicle. Clean shall not include flushing during times when safety could be compromised due to freezing or near freezing temperatures;
- 1.2 “Debris” means refuse, rubbish, junk, or disused material of any kind whatsoever and without limiting the generality of the foregoing includes building materials, material from construction or demolition projects, waste, earth and soil in the form of dust, dirt and mud;
- 1.3 “Expense” means the cost of carrying out work to be done pursuant to Section 4.1 and Section 4.4 plus an additional 25% administrative charge;
- 1.4 “Exterior Road” means a road exterior to the property on which the Land Disturbance is occurring;
- 1.5 “Foul” means to throw, place or deposit Debris on a Road; including the generation of air borne dust caused by the deposition of debris on a Road;
- 1.6 “Inspector” means a person appointed as an inspector by the Town;
- 1.7 “Interior Road” means a road within a property on which the Land Disturbance is occurring;
- 1.8 “Land Disturbance” means any man-made change to the land surface through construction activities including removal of trees, vegetation, excavating, trenching, filling, grading and sodding or landscaping;
- 1.9 “Mud Mat” means an area of 100 millimeter diameter clear crushed stone, 6 metres in width minimum, 20 metres in length minimum and 150 millimetres in depth minimum, designed to strip mud off truck tires prior to leaving the property on which the Land Disturbance is occurring and entering onto a Road;
- 1.10 “Notice” means a Notice issued under Section 4 of this Bylaw and may be delivered by personal service, by posting on the Property, by mail or by facsimile transmission to an Owner;
- 1.11 “Owner” includes the Person for the time being managing or receiving the rent of land or premise, a designated representative, or a Person carrying out or causing to be carried out a Land Disturbance including any contractor or subcontractor retained by the Owner;
- 1.12 “Person” includes an individual, firm, corporation, association, or partnership
- 1.13 “Property” means any grounds, yard or vacant lot;

- 1.14 “Road” includes the entire right of way of a common and public highway, street, avenue, bikeway, parkway, driveway, square, place and bridge designed and intended for, or used by, the general public for passage of vehicles or pedestrian traffic whether assumed by the Town or not;
- 1.15 “Scrape” means to remove mud, dirt and debris from a Road by either hand operation or by common earth moving or construction equipment; and,
- 1.16 “Town” means the Corporation of the Town of Ajax.

GENERAL PROVISIONS

- 2.1 No Person shall Foul, or cause or permit to be Fouled, a Road within the Town.
- 2.2 An Owner, carrying out or causing to be carried out any Land Disturbance, shall keep all Roads free of Debris and Dust emanating from the Land Disturbance.
- 2.3 An Owner shall comply with a Notice.
- 2.4 Prior to carrying out any Land Disturbance on a Property, an Owner shall construct a Mud Mat, or take alternate measures as approved by the Town.

MAINTENANCE STANDARDS

- 3.1 During Land Disturbance on a Property, the Owner shall:
- (a) Scrape all Interior Roads that have been Fouled at least once per day, or as necessary to maintain safe passage.
 - (b) Clean all Interior Roads at least once per week or more frequently as required by the Town if occupancy of buildings on the Road has taken place.
 - (c) Scrape all Exterior Roads that have been Fouled as often as required to keep the road surface free of Debris.
 - (d) Clean all Exterior Roads at least once per week or more frequently as required by the Town.
 - (e) Take action to eliminate dust from blowing on to an Exterior Road from any construction activity on the property.
 - (f) Ensure that the Mud Mat is used by all trucks or other construction vehicles leaving the Property.
- 3.2 An Owner shall keep a Mud Mat free of mud or dirt which would prevent the proper stripping of mud from tires.
- 3.3 The Owner shall not permit Debris to be deposited, flushed or washed into any sewer or catchbasin. The Owner will be required to clean any sewer or catchbasin that is fouled by Debris from the Property of the Owner.

ENFORCEMENT

- 4.1 In the event of a contravention of this Bylaw, an Inspector may:
- (a) Cause the Debris to be removed or Cause the Road to be Scraped or Cleaned at the Owner’s Expense if the Fouling is deemed by the Inspector to be an immediate danger to health and safety of any person;
 - (b) Deliver a Notice requiring an Owner to remove the Debris or to Scrape or Clean the Road;
 - (c) Deliver a Notice requiring the Owner to cease any operation causing Fouling of a Road; or

- (d) Deliver A Notice requiring the Owner to cease any operation causing dust to blow on to an Exterior Road from the Land Disturbance site.
- 4.2 If a Mud Mat requires renewal, an Inspector may Deliver a Notice requiring an Owner to repair or replace the Mud Mat.
- 4.3 A Notice shall contain the particulars of the contravention, the remedial measures to be taken and the time permitted to comply with the measures set forth in the Notice. In the event measures were taken by the Town pursuant to Section 4.1 (a) the Notice shall set out the measures taken by the Town and providing details of the amount expended in taking the measures.
- 4.4 If an Owner fails to comply with a Notice, the Town may carry out the work required by the Notice at the Owner's Expense.
- 4.5 The Town may recover an Expense by:
 - (a) Presenting an invoice to an Owner;
 - (b) Recovering the Expense in the like manner as municipal taxes; or,
 - (c) Recovering the Expense from any securities held for performance and maintenance guarantee.
- 4.6 This By-law shall be administered by Planning and Development Services or Operations and Environmental Services and enforced by a Municipal Law Enforcement Officer.
- 4.7 If a Court of competent jurisdiction should declare any section or part of a section of this By-law invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
- 4.8 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed in the Provincial Offences Act, R. S. O. 1990.
- 5. That By-law Number 16-2000 be repealed.

READ a first and second time this Tenth day of June, 2002.

READ a third time and finally passed this Tenth day of June, 2002.

Mayor

Clerk