

BY-LAW NUMBER 2016-125

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**A BY-LAW TO REQUIRE THE REMOVAL OF FUEL
TANKS FROM PROPERTIES ONCE ABANDONED
OR NO LONGER IN USE**

WHEREAS Section 128 of the *Municipal Act*, 2001, S.O 2001, c.25, as amended provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in opinion of council, are or could become public nuisances;

AND WHEREAS under the Clean Water Act, 2006, a municipality in which any part of a source protection area is located shall co-operate with the source protection authority and source protection committee for the source protection area, with other municipalities in which any part of the source protection area is located;

AND WHEREAS the South Georgian Bay Lake Simcoe Source Protection Plan policies require that a municipality ensure the removal of fuel tanks from properties once abandoned or no longer in use;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:**

Section 1- Definitions

- 1.1 In this By-Law,
- a) "Council" shall mean the council of The Corporation of the Township of Uxbridge;
 - b) "Fuel tanks" shall mean an aboveground or underground tank used to store fuel, and includes all piping, valves, fittings, pumps and other equipment associated with the tank;
 - c) "Officer " shall mean a Police Officer or Municipal Law Enforcement Officer appointed by the Council of Township of Uxbridge;
 - d) "Occupant" shall mean any person or persons in lawful control of any grounds, yards or vacant lots or identified by the most current Municipal Assessment Roll as being the occupant of the property;
 - e) "Owner" includes any person or persons identified by the most current Municipal Assessment Roll as being the owner of the property;
 - f) "Property" shall mean a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures including customer service boxes and courier drop boxes, out-buildings, fences, sidewalks, signs, poles, walls and accessory structures;
 - g) "Significant Drinking Water Threat" shall mean a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk;

- h) "Vulnerable Area" shall mean an area referring to a groundwater recharge area, a highly vulnerable aquifer, a surface water intake protection zone or a wellhead protection area.

Section 2- Fuel Tanks Removed

- 2.1 An Owner shall remove any fuel tanks located on a property deemed abandoned by the Municipality within one year of the known abandonment of the property.
- 2.2 Every Owner and every Occupant of Property shall remove any fuel tanks no longer in use from any Property located within a Vulnerable Area where the handling and/or storage of fuel is or would be a Significant Drinking Water Threat.

Section 3- Notice to Comply

- 3.1 An Officer who finds a contravention of this By-law may give written Notice to the Owner or Occupant of the Property requiring compliance with this By-law within 14 days after this Notice is given
- 3.2 Every Person served with a Notice under Section 3.1 of this by-law shall comply with such Notice within the time provided by such Notice
- 3.3 A Notice under this By-law shall be served by registered mail to the Owner or Occupant, or by posting the Notice in a conspicuous place at the property, or by delivering it personally to the Owner or Occupant.
- 3.4 Such Notice, when sent by registered mail to an Owner or Occupant of the property, shall be sent to the address of the Owner or Occupant as shown on the most current Municipal Assessment Roll of the Township or to the last known address of the Owner or Occupant.
- 3.5 A Notice sent by registered mail shall be deemed to be served to the Owner or Occupant five days after the date the Notice was sent. A Notice posted on the Property or delivered personally shall be deemed served the day after the posting or the personal delivery, as the case may be.
- 3.6 Upon failure of an Owner or Occupant to comply with a Notice, the Township may, within the prescribed period of time and in addition to any other remedies, carry out the works required in the Notice and for this purpose may, with its servants or agents, from time to time enter into and upon the Property.
- 3.7 The Township shall not be liable to compensate such Owner, Occupant or other persons having interest in the Property by reason of anything done by, on, or behalf of the Township under provisions of this By-Law.
- 3.8 All expenses incurred by the Township or its servants and agents while performing any work on any Property under the provisions of this By-Law shall be payable to the Township by the Owner or Occupant of the subject property and all such expenses shall be recoverable in a like manner as municipal taxes.

Section 4 - Enforcement

- 4.1 This By-Law shall be enforced by a Municipal Law Enforcement Officer or a Police Officer.

4.2 No person shall obstruct a Municipal Law Enforcement Officer or a Police Officer who is carrying out any duties pursuant to this by-law.

Section 5 - Penalties

5.1 Every person who contravenes any of the provisions 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 by the Provincial Offences Act, R.S.O 1990, c.P.33, as may be amended from time to time.

Section 6 - Short Title

6.1 This By-Law may be referred to as the "Fuel Tank Removal By-Law".

Section 7 - Severability

7.1 If a court of competent jurisdiction should declare any section or part of this By-Law to be 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 this By-Law be valid and shall remain in force.


Section 8 - Date Effective

8.1 This By-Law shall come into force as of the date of its passing.

READ a FIRST, SECOND and THIRD time and finally passed this 24th day of October, 2016.



GERRILYNN O'CONNOR
MAYOR



DEBBIE LEROUX
CLERK