

## THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

### BY-LAW NO. 33-2014 CLEAN YARDS BY-LAW

*Being a By-law of the Township of North Stormont to provide for the maintenance of land in a clean and clear condition*

**WHEREAS** Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a lower tier municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

**AND WHEREAS** section 127 of the *Municipal Act, 2001* provides that a local municipality may require the owner or occupant of land to clean and clear land, not including buildings, or to clear refuse or debris from the land, not including buildings; regulate when and how cleaning and clearing is to be done; and prohibit the depositing of refuse or debris without the consent of the owner or occupant of land;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** section 131 of the *Municipal Act, 2001* 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;

**AND WHEREAS** the Municipal Act, 2001 further authorizes the Township of North Stormont, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT ENACTS AS FOLLOWS:**

#### **1. SHORT TITLE**

1.1 This By-law shall be known as the "Clean Yards By-law".

#### **2. DEFINITIONS:**

- 2.1 "**By-law**" means this Clean Yards By-law
- 2.2 "**Costs**" means all monetary expenses incurred by the Township during and throughout the process of any remedial work, including interest at a rate of 15% per annum or such lower rate as determined by the Township commencing on the day the Township incurs the costs and ending on the day the costs, including interest, are paid in full, and may include an administrative surcharge amount as determined by the Township.
- 2.3 "**Council**" means the Council of the Township of North Stormont.
- 2.4 "**Derelect motor vehicle**" means a vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes a motor vehicle that is not licensed for the current year.
- 2.5 "**Domestic waste**" means any debris, rubbish, refuse, sewage, effluent, broken or discarded material, disconnected appliances and parts of such appliances, firewood not stacked neatly, material resulting from construction, demolition, repair or renovation projects, piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment, waste lumber, discard or garbage of any type arising from a residence, belonging to or associated with a dwelling unit or use of a dwelling unit or residential property, including, but not limited to, garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements deteriorating or decaying on a property due to exposure to the weather.

- 2.6 "Dwelling unit"** means a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for exclusive use of the residents and with a private entrance from the outside of the building or from a common hallway or stairway inside.
- 2.7 "Industrial waste"** means any debris, refuse, sewage, effluent, discard or garbage of a type arising from industrial or commercial operation, or belonging to or associated with industry or commerce or industrial or commercial property including, but not limited to, garbage, discarded material or things, broken or dismantled things, materials or things exposed to the elements, and deteriorating or decaying on a property due to exposure to the weather.
- 2.8 "Infestation"** means the overrunning of a property by vermin, rodents and insects.
- 2.9 "Motor vehicle"** means an automobile, truck, motorcycle, snowmobile, trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running solely upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c. H.B.
- 2.10 "Officer"** means a municipal by-law enforcement officer or designate, property standards officer or peace officer.
- 2.11 "Order"** means any notice of non-compliance issued under this by-law.
- 2.12 "Owner"** means the registered owner of land or the occupant, tenant, lessee or the person for the time being managing or receiving the rent of the property, whether on its own account or on account of an agent or trustee of any other person or anyone of the aforesaid.
- 2.13 "Person"** means an individual human being, a corporation, firm, partnership, unincorporated association or organization, their heirs, executors, assigns, administrators, agents, trustees or other legal representatives of a person with or without share capital, any association, firm, partnership or private club of a person to whom context can apply accordingly.
- 2.14 "Property"** means any and all land within the Township including buildings and structures, yards and vacant lots.
- 2.15 "Refuse" or "Debris"** means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes rubbish, inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, weeds, earth or rock fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard.
- 2.16 "Remedial work"** means all work necessary for the correction or elimination of a contravention of this By-law as cited in any order issued under this By-law, including any such condition or health hazard, actual or potential, that the contravention may pose.
- 2.17 "Structure"** means any building or accessory building or any property, or any part thereof, or any part of whole or any structure of building not actually used as a dwelling house.
- 2.18 "Township"** means The Corporation of the Township of North Stormont.
- 2.19 "Turf grass"** means ground cover comprised of one or more species of growing grass, with or without trees, shrubbery or maintained planting beds or other vegetation.
- 2.20 "Weed"** means a noxious weed designated by or under the *Weed Control Act*, R.S.O. 1990, c. W.5, including any weed designated as a local or noxious weed under a by-law of the Township or County for that purpose.
- 2.21 "Yard"** means land, other than publicly owned land, around and appurtenant to the whole or part of a building (and used, or capable of being used in connection with the building).

### **3. PROPERTY MAINTENANCE**

- 3.1** Every owner shall maintain a clear and clean yard and shall also:
- (a) keep his or her land free and clear of all garbage, refuse, debris, domestic waste or industrial waste of any kind, and from any objects or conditions that may create a health, fire or accident hazard;
  - (b) ensure that his or her land is free and clear of infestation;
  - (c) trim or cut weeds or turf grass on his or her land, whether dead or alive, that are more than 20 cm (7.8 inches) in height;
  - (d) keep his or her land free of holes or excavations which may create health or accident hazards.
- 3.2** No person shall cause or permit unsafe or hazardous conditions that might create a health, fire or accident hazard and also shall not:
- (a) cause or permit an unfenced or unprotected pit, excavation or other declivity which causes a safety hazard on their property;
  - (b) permit any well which is unprotected or the presence of which creates risk, accident or injury to the general public;
  - (c) keep a swimming pool, hot tub, wading pool or artificial pond unless it is maintained in good repair and working.
- 3.3** Every owner or occupant of property shall keep the surfaces of steps, walks, driveways, parking spaces and similar areas of their property maintained so as to afford safe passage under their normal use.
- 3.4** No person shall deposit or cause to be deposited snow or ice accumulations on lands that may create a health, safety or accident hazard.

### **4. LANDSCAPING**

- 4.1** The owner or occupant of any property shall maintain hedges, planting trees or other landscaping, in a living condition, or shall replace these if no longer alive with equivalent landscaping, so as to carry out their intended action and maintain an attractive appearance.
- 4.2** Ensure that vegetation on his or her lands, other than weeds and turf grass shall be kept trimmed and kept from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or the passage of the general public.
- 4.3** The owner or occupant of any property shall provide suitable groundcover to prevent erosion of the soil. Where grass forms a part of the ground cover, and such grass is no longer in a living condition, such dead areas shall be reseeded as often as required so as to restore the grass to a living condition.
- 4.4** Every owner shall grade their land to prevent ponding of water on their property or on any other abutting and adjoining properties.
- 4.5** The owner or occupant of any property shall maintain areas within the yard not covered by buildings or structures, sidewalks, driveways and parking compatible with the abutting and adjoining properties.
- 4.6** The owner or occupant of any property shall maintain in good repair, areas used for vehicular traffic, parking and facilities for loading and unloading. Such areas shall be free of potholes and adequately drained.

## **5. WASTE**

- 5.1** Every owner or occupant of property shall keep the yard of their property free and clear of all refuse, debris, domestic and industrial waste.
- 5.2** No person shall use the yard of any property within the Township for depositing of any refuse, debris, domestic and industrial waste
- 5.3** Subject to subsection 5.4, subsections 5.1 and 5.2 do not apply to:
- (a) property used by the Township for the purpose of depositing waste; or
  - (b) property used for the purpose of depositing waste under federal, provincial or municipal authority.
- 5.4** No person other than the Township or a person with prior federal, provincial or municipal authority shall deposit waste on property described in subsection 5.3.
- 5.5** Every owner or occupant of property shall ensure that all waste which accumulates on their property is:
- (a) when not placed out for collection in accordance with applicable Township's by-laws, in containers:
    - (i) made of rigid, watertight construction;
    - (ii) provided with a tight-fitting cover, which may be removed only when the container is empty or is being actively loaded;
    - (iii) maintained in good condition without holes or spillage; and
    - (iv) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
    - (v) kept in a rear yard located against a building, structure, fence or retaining wall and arranged in an orderly manner; and
  - (b) not allowed to accumulate for longer than 10 days.
- 5.6** For the purposes of section 5, "yard" includes but is not limited to an exterior porch or similar erection.

## **6. COMPOSTING**

- 6.1** No person shall permit composting of any kind other than in accordance with Section 6.2 of this By-law.
- 6.2** Composting shall only be permitted as follows:
- (a) only in the rear of a dwelling unit;
  - (b) only in a container, pile or digester and only on land on which a dwelling unit is located;
  - (c) any compost containers or digesters used for composting shall be kept covered tightly at all times, except when being emptied or filled;
  - (d) in a such a manner so as to preclude infestation;
  - (e) in a pile no larger than one square metre and 1.2 metres in height which shall be enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with concrete floor, or a commercial plastic enclosed container designed for composting;
  - (f) in no more than three (3) compost containers, piles or digesters used for composting on each parcel of land on which a dwelling unit is located, for a total composting capacity on the land of not more than three (3) cubic metres;

- (g) no feces shall be placed in a compost container, pile or digester used for composting;
- (h) no offensive odour shall be permitted to emanate from the compost container, pile or digester used for composting;
- (i) organic materials placed in a compost container shall be kept covered with yard waste, soil or humus;
- (j) any compost container, pile or digester used for composting shall be set back at least 0.6 metres (1.97 feet) from any lot line.

**6.3** Section 6.1 of this By-law does not apply to any agricultural uses or farming activities as designated within the Township's Zoning By-law.

## **7. DERELICT MOTOR VEHICLES**

**7.1** No person shall use any property for the parking, storage or placement of the following:

- (a) derelict motor vehicles or motor vehicles that are unfit to be operated on a highway due to damage or poor repair;
- (b) motor vehicles that are not currently licensed for operation pursuant to the provisions of the *Highway Traffic Act*;
- (c) motor vehicles parts or components unless otherwise expressly permitted;
- (d) wrecked, dismantled, discarded, inoperative, or abandoned motor vehicles, machinery, trailers or boats.

**7.2** Section 7.1 of this By-law does not apply to lands that comply with all applicable land use criteria which permits the retail, wholesale, repair or wrecking of motor vehicles or a competition; or hobby vehicle located in a fully enclosed building; or recreation vehicle parking in compliance with the Township's Zoning By-law.

## **8. REFRIGERATORS, FREEZERS, ETC.**

**8.1** The owner, tenant, occupier or licensee of any property shall remove self-locking or self-latching devices on refrigerators, freezers or similar appliances which are stored or left on porches, decks or in any rear yard, side yard or similar areas.

**8.2** All refrigerators stored or left on porches, decks, or any rear yard, side yard or similar areas shall be;

- (a) in good working order;
- (b) secured with external locking device;
- (c) locked at all times except when actually in use and supervised.

**8.3** The owner, tenant, occupier or licensee of any property who places refrigerators, freezers or similar appliances out on the roadways for disposal, shall remove therefrom all doors without limiting the generality of the foregoing including all sliding, swinging, springing, spring loaded, and pull-to-open doors.

## **9. GENERAL PROVISIONS**

**9.1** An officer may issue an order upon the owner of a property that is not maintained pursuant to the requirements of this By-law which directs that the owner remedy or rectify the contravention within a specified period of time from the time of the delivery of the order.

**9.2** Any order given under this By-law may be given by personal delivery or mail and delivery by mail shall be deemed to have been affected five (5) calendar days from the date of mailing.

**9.3** Every order sent by an officer shall identify the land or structure which is the subject of the order.

- 9.4** Every order to an owner shall be sent to the address shown on the last revised assessment roll or to the last known address of the owner.
- 9.5** The Township and any officer and agent shall be entitled to remove any items in order to remedy or rectify any contravention of this By-law and any such items that are removed in accordance with Section 9.3 may be disposed of immediately in the sole and absolute discretion of the Township, its agents and officers, which decision shall be final.
- 9.6** In the event that the violation set out in the order is not remedied within the specified period of time as set out in the order, the officer may cause the violation to be remedied at the expense of the owner.
- 9.7** The Township shall not be liable for any damage to property or personal injury resulting from any remedial work undertaken as a result of a default of the owner or any person in complying with the terms of this By-law.
- 9.8** With the exception of matters which pose an immediate risk to public health and safety, which determination shall be made in the sole and absolute discretion of the officer issuing the order and whose decision is final, an order shall provide for not less than fourteen (14) calendar days from the date of service of the order for the remediation or rectification of the contravention as set out in the order.
- 9.9** Notwithstanding Section 9.8 of this By-law, when there is an immediate risk to public health and safety, which determination shall be made in the sole and absolute discretion of the officer issuing the order and whose decision is final, the order may require immediate action or other remediation or rectification.

#### **10. ENTRY ON LAND & INSPECTIONS**

- 10.1** An officer, peace officer or any other person appointed for the purpose of enforcing this By-law,
- (a) has the power to enter upon and examine any lands, yards, vacant lots, grounds at any reasonable time or times, and
  - (b) may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this By-law.
- 10.2** Notwithstanding Section 10.1, no person, including an officer, shall exercise a power of entry under this By-law to enter a place or part of a place that is actually being used as a dwelling unless:
- (a) the occupier of the dwelling, having been informed that the right of entry may be refused, consents to the entry; or
  - (b) if the occupier refuses to consent, an order is issued pursuant to section 438 of the *Municipal Act, 2001* or a warrant is issued pursuant to section 439 of the *Municipal Act, 2001*, or a warrant is issued under the *Provincial Offences Act, R.S.O. 1990, c. P.33*.
- 10.3** A person exercising a power of entry on behalf of the Township, under this By-law must on request, display or produce proper identification.
- 10.4** No person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, any officer, peace officer or any person appointed for the purpose of enforcing this By-law, including any person who may be accompanying such persons, in the lawful exercise of any powers or duties under this By-law.

#### **11. ENFORCEMENT**

- 11.1** This By-law shall be enforced by an officer or peace officer or any other person or officer appointed by the Township for the purposes of enforcing this By-law.
- 11.2** If compliance herewith would be impractical, the provisions of this By-law shall not apply to ambulance, police and fire department vehicles and any vehicles while actually engaged in works undertaken for on behalf of the Township, the United Counties, federal or provincial government or any utility.

11.3 The Township may recover its costs of remedying a violation of this By-law by invoicing the owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the *Municipal Act, 2001* and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

## **12. OFFENCES & PENALTIES**

12.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act R.S.O. 1990, c. P. 33*.

12.2 Every person who contravenes any provision of this By-law, including an order issued under this By-law, is guilty of an offence.

12.3 Every person who is convicted of an offence under this By-law shall be subject to a fine not exceeding \$10,000.00 for each offence and such fine shall be recoverable under the *Provincial Offences Act*.

12.4 A director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence and is liable upon conviction to a fine not exceeding \$100,000.00 for each offence and such fines shall be recoverable under the *Provincial Offences Act*.

12.5 An offence under this By-law constitutes a continuing offence and for each day or part of a day that the offence continues, the fine shall not exceed \$10,000.00.

12.6 The conviction of a person under this By-law shall not operate as a bar to a prosecution against the same person upon any continued or subsequent breach of any provision or order under this By-law and the court may convict such person repeatedly for continued or subsequent breaches of this By-law and the provisions of section 431 of the *Municipal Act, 2001* shall further apply to any continued or repeated breach of this By-law.

12.7 Upon a conviction being entered, the court in which the conviction was entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

12.8 Every person who is guilty of an offence under this By-law may, if permitted under the *Provincial Offences Act*, pay a set fine, and the Chief Judge of the Ontario Court, Provincial Division, shall be requested to establish set fines as set out in Schedule 'A' to this By-law.

## **13. VALIDITY & SEVERABILITY**

13.1 Notwithstanding any section, subsections, clause, paragraph or provision of this By-law, this By-law or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent therefrom and enacted as such as a whole. Same shall not affect the validity or enforceability of any other provisions of this By-law or of the By-law as a whole.

13.2 Any reference to a statute, regulation, by-law or other legislation in this By-law shall include such statute, regulation, By-law or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

13.3 Where there is any conflict between the provisions of this By-law and any other By-law or legislation, the provisions of this By-law shall prevail to the extent of the conflict.

## **14. REPEAL**

14.1 This By-law repeals By-law No. 073-04 & 55-98 in their entirety, as of the date of the enactment of this By-law.

**15. FORCE AND EFFECT**

**15.1** This By-Law shall come into force and take effect on the date of enactment.

ENACTED AND PASSED THIS 27<sup>th</sup> DAY OF MAY, 2014.

Read and passed, signed and sealed in open Council this 27<sup>th</sup> day of May, 2014.

**THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT**

Dennis Fife

Mayor

Katherine

Clerk



## SET FINES SCHEDULE

### THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

BY-LAW NO. 33-2014  
CLEAN YARDS BY-LAW

*Being a By-law of the Township of North Stormont to provide  
for the maintenance of land in a clean and clear condition*

ITEM	Column 1 SHORT FORM WORDING	Column 2 PROVISION CREATING OR DEFINING OFFENCE	Column 3 SET FINE
1.	Fail to keep land clear of garbage/ refuse/ debris/ domestic waste/industrial waste	3.1 (a)	\$250.00
2.	Fail to keep land clear of objects or conditions potentially creating health, fire or accident hazard	3.1 (a)	\$250.00
3.	Fail to keep land clear of infestation	3.1 (b)	\$250.00
4.	Fail to trim or cut weeds/grass more than 20 cm (7.8 inches) in height	3.1 (c)	\$250.00
5.	Fail to keep land free of hazardous holes and excavation	3.1 (d)	\$250.00
6.	Cause or permit a hazardous unfenced/unprotected pit/excavation or declivity	3.2 (a)	\$250.00
7.	Permit unprotected well that may cause an accident or injury	3.2 (b)	\$250.00
8.	Fail to keep swimming pool/hot tub/wading pool/artificial pool in good repair/working condition	3.2 (c)	\$250.00
9.	Fail to keep the surfaces of steps, walks, driveways, parking spaces and similar areas maintained	3.3	\$250.00
10.	Cause or permit snow or ice accumulate potentially creating health, safety or accident hazard	3.4	\$250.00
11.	Fail to maintain hedges, planting trees or other landscaping, in a living condition	4.1	\$250.00
12.	Fail to maintain hedges, planting trees or other landscaping, in an attractive appearance	4.1	\$250.00
13.	Fail to trim or cut vegetation	4.2	\$250.00
14.	Fail to provide suitable groundcover to prevent erosion of the soil	4.3	\$250.00
15.	Cause or permit ponding of water	4.4	\$250.00
16.	Fail to maintain the yard compatible with the abutting and adjoining properties	4.5	\$250.00
17.	Fail to maintain in good repair areas used for vehicular traffic, parking and facilities for loading and unloading	4.6	\$250.00
18.	Cause or permit potholes or water ponding in areas used for vehicular traffic, parking and facilities for loading and unloading	4.6	\$250.00
19.	Fail to keep the yard of their property free and clear of all refuse, debris, domestic and industrial waste	5.1	\$250.00
20.	Use the yard of any property within Township for depositing waste	5.2	\$250.00
21.	Fail to put waste in container	5.5 (a)	\$250.00
22.	Store or accumulate waste for more than 10 days	5.5 (b)	\$250.00
23.	Permit composting other than as allowed	6.1	\$250.00
24.	Permit storage of derelict motor vehicles	7.1 (a)	\$250.00
25.	Permit storage of unlicensed motor vehicles	7.1 (b)	\$250.00
26.	Permit storage of vehicle parts/components	7.1 (c)	\$250.00

27.	Permit storage of wrecked/ dismantled/ discarded/ inoperative/ abandoned vehicles/ machinery/trailers/ boats	7.1 (d)	\$250.00
28.	remove self-locking or self-latching devices on refrigerators, freezers or similar appliances	8.1	\$250.00
29.	Store a non-working refrigerator on porch/ deck or in rear yard	8.2 (a)	\$250.00
30.	Store a refrigerator on porch/ deck or in rear yard without locking device	8.2 (b)	\$250.00
31.	Fail to remove all doors from refrigerators, freezers or similar appliances out on the roadways for disposal	8.3	\$250.00
32.	Obstruct/hinder/interfere with an officer or agent in lawful exercise of powers or duties	10.4	\$250.00
33.	Fail to comply with an order issued under this By-law	12.2	\$250.00

**Note:** Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act R.S.O. 1990, c. P. 33*.

**Note:** The general penalty provision for the offences listed above is Section 12 of By-law No. 33-2014, a certified copy of which has been filed.