



## THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES

### BY-LAW NUMBER 3472-24

#### **BEING A BY-LAW TO PROVIDE REGULATIONS FOR THE MAINTENANCE OF LAND IN THE TOWNSHIP OF NORTH DUMFRIES IN A CLEAN AND CLEAR CONDITION, AND TO REPEAL BY-LAW 2394-09**

**WHEREAS** section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes the Council of the Township to pass by-laws for the health, safety and well-being of persons;

**AND WHEREAS** Section 127 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the Township may, among other things, require the Owner or occupant of land to clean and clear the land, not including buildings and regulate when and how these matters shall be done and 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" for the purposes of this section;

**AND WHEREAS** section 128 of *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that Council 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 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs for fees and charges that are due and unpaid;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to require a person to do a matter or thing and in default of it being done by the person directed or required to do it, the matter or thing shall be done at the owner's expense and add the cost to the tax roll;

**AND WHEREAS** the Council of the Corporation of the Township of North Dumfries deems it necessary and expedient for the health, safety and welfare of the inhabitants to enact a by-law to use the powers granted to it pursuant to the aforementioned sections of the Act to require Owners and occupants of land to maintain their land free from refuse, debris, excessive growth of grass and weeds, and conditions which may pose an unsafe condition;

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

**SECTION 1 - SHORT TITLE**

1.1 This By-law may be referred to as the Clean Yards By-law.

**SECTION 2 – DEFINITIONS**

2. For the purposes of this By-law all words shall have their normal and customary meaning save and except for those hereinafter defined:

**“Corner Daylight Triangle”** means the triangular area formed on a Corner Lot by measuring the distance of 15 metres (50 feet) along the Front Lot Line and Exterior Side Lot Line from their point of intersection, more particularly described in Schedule “A” attached hereto;

**“Corner Lot”** means a Lot situated at the intersection of and abutting upon two Highways, or upon two parts of the same Highway;

**“Council”** means the Council of the Corporation of the Township of North Dumfries.

**“Driveway Daylight Triangle”** means the triangular area formed by measuring 4 metres (13 feet) along the driveway from the Lot Line and 4 metres (13 feet) along the Lot Lines adjoining the driveway in either direction, more particularly described in Schedule “A” attached hereto;

**“Exterior Side Lot Line”** means a Side Lot Line abutting a Highway;

**“Front Lot Line”** means the Lot Line that divides a Lot from a Highway, and

(i) in the case of a Corner Lot, the shorter line that abuts a Highway shall be the Front Lot Line;

**“Inoperative Motor Vehicle”** means any licensed or unlicensed vehicle that is inoperative, unused, discarded, in disrepair, or which has deteriorated or removed parts which prevent its proper functioning, including but not limited to tires, glass, windshields, windows or which does not display a vehicle permit number plate with evidence of the current validation of the permit, issued under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 but does not include:

(a) one (1) un plated vehicle per Property, owned by the Owner, provided the vehicle is:

I. a “hobby repair vehicle” where hobby repair is being actively carried on; or

II. a “historic vehicle”, being an automobile that is at least thirty (30) years old; or

III. a vehicle used seasonally and plated annually for a period of time less than a full year;

(b) a vehicle in a salvage yard and the like where an unlicensed vehicle is an integral component of a legally operating business.

**“Lawn”** means perennial turfgrass grown for ground cover, of a type that forms a dense, uniform turf when mown, including but not limited to Kentucky bluegrass, perennial ryegrass, or fine fescue;

**“Lot Line”** means the boundary of a Lot as defined by an original survey or by a registered plan;

**“Municipal Law Enforcement Officer”** means an individual appointed by the Township pursuant to section 55 of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, as amended from time to time, or other person appointed by by-law and charged with the duty of enforcing the provisions of the by-laws of the Corporation or any successor thereof;

**“Naturalized area”** means a plant garden and includes, without limiting the generality of the foregoing, an annual or perennial flower garden, food garden, rain garden, hedge, shrub, plant, vine, and groundcover, but does not include trees or Lawn;

**“Noxious Weed”** means a noxious weed designated by or under the Weed Control Act, R.S.O. 1990, c. W.5, and includes any weed that may be designated as a local weed by the Township upon passage of a by-law in accordance with the Weed Control Act;

**“Owner”** means the person holding registered title to the land, and/or a lessee, tenant, occupant, mortgagee in possession, or any person having charge of the land.

**“Person”** means an owner, individual, firm, corporation, or other entity.

**“Property”** means and includes yards, vacant lands, or any part of a lot not occupied by a principal building, if any, and includes the space within or upon unenclosed decks, unenclosed porches, unenclosed carports and unenclosed accessory structures;

**“Rear Lot Line”** means the Lot Line opposite to the Lot’s Front Lot Line;

**“Region”** means The Regional Municipality of Waterloo.

**“Refuse”** means any debris, article, thing, matter or effluent belonging to or associated with a house or household, industry, trade or business that in the opinion of the Township’s Municipal Law Enforcement Officer has been or appears to have been cast aside, discarded or abandoned, or is used up or appears to be used up in whole or in part, or expended or worn out in whole or in part, or appears to be worthless, or useless or of no practical value; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that refuse extends to the following classes:

- (a) Accumulations of yard clippings, tree and garden cuttings, branches, leaves, brush or tree clippings;
- (b) Litter, including paper, paper cartons, cardboard and other paper products;
- (c) Rotting vegetable matter, or rotting animal matter, unless it is contained in an appropriate composting container;
- (d) Appliances, including refrigerators, stoves, dishwashers, microwaves, freezers, washers, dryers or any part or parts thereof, including attached hinges, latches, locking or closing mechanisms and/or devices;
- (e) Electronic devices, including televisions, computers and related components, radios, amplifying devices, speakers, audio and visual players and any parts of such things;
- (f) Machinery and machinery equipment and/or parts, including furnaces and/or furnace parts, air-conditioners, ducting, pipes and/or pipe fittings, water tanks, heat pumps, fuel tanks, and/or septic tanks, tubing, conduits, cable fittings and wire and/or other accessories;
- (g) Inoperative motor vehicles, and parts or accessories of such items;
- (h) Inoperative bicycles, boats, lawnmowers, engines and mechanical tools;
- (i) Accumulations, deposits, leavings, litter, remains, rubbish or trash of any sort, whether animal, mineral or vegetable;
- (j) Broken or discarded furniture;
- (k) Crockery, dishes, pots and pans, and small kitchen appliances;
- (l) Sewage, as defined in this By-law;
- (m) Animal waste products, hides, parts of carcasses other than those arising from industrial or agricultural businesses legally operating on the land;
- (n) Materials resulting from, or as part of, construction or demolition projects, including decaying lumber, or other debris and/or material that does not appear to be actively utilized or intended for construction purposes;
- (o) Accumulation of broken concrete, asphalt pavement, brick pavers and sidewalk slabs;
- (p) articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
  - I. agricultural, animal, vegetable, lumber or wood products; or
  - II. mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed;

(q) Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials; and

(r) Discarded clothing; and/or

(s) Any other material that does not appear to be actively used for its intended purpose.

Refuse as defined in this By-law does not cease to become refuse by reason only that it may be commercially saleable or recyclable.

**“Side Lot Line”** means a Lot Line other than a Front Lot Line and Rear Lot Line;

**“Standing Water”** means any still water found upon any privately owned Property in the Township between April 1 and October 31 of each year other than:

(a) A natural, moving body of water;

(b) A body of water effectively maintained and treated to prevent the breeding or larval existence of mosquitos;

(c) A body of water containing live fish;

(d) Storm water management ponds and catch basins on private property;

(e) A body of water which is a natural pond, bog, marsh or wetland; and

(f) A body of water contained for less than four (4) days.

**“Sewage”** means any liquid waste containing human, vegetable, or mineral matter, oils, chemicals, fuels, and/or other liquid remains, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated but does not include roof water or storm run-off.

**“Township”** means the Corporation of the Township of North Dumfries.

### **SECTION 3 - GENERAL PROVISIONS APPLICABLE TO ALL PROPERTIES**

#### **Refuse**

3.1 This By-law shall apply to all land within the Township.

3.2 Every Owner of Property in the Township shall keep and maintain the said Property in a clean and clear condition and free from Refuse of any kind.

3.3 No person shall throw, place or deposit by any means any Refuse on private Property without the written authority of the Owner or occupant of the Property.

3.4 No Owner shall permit Refuse to remain on any Property within the Township.

3.5 No person shall throw, place or deposit any Refuse on Township property or Region property without the written authority of the Township or Region.

3.6 Every Owner shall, in accordance with the provisions of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, dispose of Refuse at a site approved by the Ministry of Environment, Conservation and Parks.

3.7 The Township has no authority to resolve lot line disputes between neighbours and the owners shall not involve the Township in such disputes.

### **Health and Safety**

3.8 No person shall put, permit to be put, or permit to remain in an unsafe condition:

- (a) any Property;
- (b) any excavation or opening on any Property;
- (c) any septic tank, cistern or well located on any Property.

3.9 Every Owner of Property in the Township shall keep and maintain the same in a clean and clear condition and free from the following:

- (a) Injurious insects, termites, rodents, vermin or other pests;
- (b) Refrigerators, freezers, appliances, and other containers that could trap a child;
- (c) Syringes, needles and other sharps.

### **Vegetation**

3.10 Every Owner of Property in the Township shall;

- a) cut, trim or remove the Lawn whenever growth of the Lawn exceeds 20 cm or 8 inches in height;
- b) ensure that any Naturalized area on their Property does not exceed 0.9 m or 3 feet in height within any Corner Daylight Triangle or Driveway Daylight Triangle;
- c) remove and destroy all noxious weeds from their property.

### **Refuse Containers**

3.11 Every Owner shall ensure that all Refuse which accumulates on their Property and when not placed out for collection is:

- (a) 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;

IV. Located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner.

(b) Not permitted to accumulate longer than 14 days.

### **Standing Water**

3.12 Every Owner shall keep and maintain any Property free from Standing Water.

3.13 Every Owner shall maintain every swimming pool, hot tub, wading pool and artificial pond within on any Property in a safe and proper manner and in a good state of repair.

3.14 No Owner shall obstruct or cause or permit the obstruction of a private drain, swale or watercourse in a manner which causes the holding or ponding of Standing Water on any Property.

3.15 Every Owner shall keep and maintain all vessels, containers, statuary or objects on any Property, which are capable of holding standing water, free from standing water.

### **SECTION 4 – WORK ORDER**

4.1 Where a Municipal Law Enforcement Officer is satisfied that an Owner has failed to comply with any provision of this By-law, the Municipal Law Enforcement Officer may issue an order requiring the Owner to correct the contravention.

4.2 An order shall set out:

- (a) The municipal address and/or the legal description of the Property;
- (b) Reasonable particulars of the contravention adequate to identify the contravention;
- (c) The date by which the work must be completed to be in compliance with the order;
- (d) Provide notice that if the required work to bring the Property into compliance is not completed by the prescribed date, that the Township may do the work, and expense the cost to the Owner.

4.3 Every owner who contravenes an order is guilty of an offence.

4.4 Any order issued under this By-law may be given by ordinary mail, registered mail or hand delivered to the address of the Owner according to the last revised assessment roll of the Property or the notice may be posted at the Property, and such service shall be deemed good and sufficient service with service by ordinary mail or registered mail being deemed effective on the fifth (5<sup>th</sup>) day after mailing.

4.5 Only one (1) order per calendar year is required for any contravention of section 3.10. If, after an order has been served in accordance with this By-law, the Municipal Law Enforcement Officer, determines that a subsequent violation has occurred, the Township may proceed with the remedy set forth in Section 4.7 without further notice.

4.6 Every Owner shall comply with any order issued under the authority of this By-law.

4.7 Where the Owner is in default of an order, the Municipal Law Enforcement Officer may, without notice and in addition to any other action, cause the work to be done at the Owner's expense. Without limitation, the Township, its employees, agent or contractor may enter upon the land and remove such items or carry out the work required to make the Property comply with this By-law. The Township's rights pursuant to this section are in addition to the penalty provisions contained in section 6 and the Township shall have the option to exercise the rights contained herein as well as the rights contained in section 6.

4.8 Any item removed may be immediately disposed of or deposited elsewhere on the Property on which it is located, or may be stored by the Township, its employees, agent or contractor. Where an item has been removed and stored, the Owner may reclaim such item upon payment to the Township any costs incurred by the Township, its employees, agent or contractor in the removal of such thing. Where the item has not been reclaimed within thirty (30) days of its removal, such item may be forthwith destroyed or otherwise disposed of by the Township, its employees, agent or contractor.

4.9 Where an Owner to whom an order has been issued pursuant to this By-law, fails to comply with the order, the Township, in addition to any other remedies it may have, may do the work required to bring the Property into compliance, at the expense of the Owner and shall be recovered in a like manner as property taxes, in accordance with section 446 of the Act.

## **SECTION 5 - ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS**

5.1 This By-law shall be administered and enforced by the Township, the Municipal Law Enforcement Officer or anyone appointed or otherwise delegated the authority of administration and enforcement.

5.2 If there is a conflict between a provision of this By-law and a provision of any other Township By-law, the provision that establishes the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

5.3 It is hereby declared that notwithstanding that any part of this By-law, or parts thereof, may be found by any Court of law to be invalid or beyond the power 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 there from and enacted as such.



5.4 The Clerk of the Township is authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this By-law as may be necessary after the passage of this By-law.

5.5 A Municipal Law Enforcement Officer designated to perform inspections pursuant to this By-law may at all reasonable times, enter upon any Property for the purpose of carrying out an inspection to determine whether or not this By-law is being contravened and/or to determine if an order has been complied with.

5.6 A Municipal Law Enforcement Officer may, for the purposes of the inspection under section 5.5, alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

5.7 Any cost incurred by the Township in exercising its authority to inspect under section 5.6, including but not limited to the cost of examination, test, sample or photograph necessary for the inspection, shall be paid by the Owner of the Property where the inspection takes place.

5.8 The Municipal Law Enforcement Officer shall have inspection powers described in section 436 of the Act.

5.9 No Person shall obstruct or hinder, or attempt to obstruct or hinder, a Municipal Law Enforcement Officer, in the exercise of a power or the performance of a duty under this By-law.

5.10 No Person shall refuse to produce any documents or things required by a Municipal Law Enforcement Officer under Sections 5.5 and 5.8 of this By-law, and every person shall assist any entry, inspection, examination, or inquiry by a By-law Enforcement Officer.

5.11 No Person shall knowingly furnish false information in any form to the Municipal Law Enforcement Officer with respect to this By-law.

## **SECTION 6 - PENALTY**

6.1 Every Person who contravenes any of the provisions of this By-law, or who fails to comply with an order is guilty of an offence and, upon conviction thereof, is liable to a fine as provided for by the *Provincial Offenses Act, R.S.O. 1990, c. P.33*, as amended.

6.2 No person shall provide false information or give a false statement to a Municipal Law Enforcement Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

6.3 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, a Municipal Law Enforcement Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

### **SECTION 7 – TRANSITION, REPEAL, FORCE AND EFFECT**

7.1 By-law No. 2394-09, as amended, is deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that by-law, including those issued, filed or commenced subsequent to this By-law coming into force and effect, and any assessment, rate, charge, tax, fee, liability or penalty outstanding under By-law No. 2394-09 may be collected as if such by-law had not been repealed.

7.2 By-law 2394-09, as amended, is repealed as of the day this By-law comes into force and effect.

7.3 This By-law shall come into force and effect on the final passing of this By-law.

### **SECTION 8 – EXEMPTIONS**

8.1 This By-law does not apply to the Federal Government of Canada, the Province of Ontario, the Region, or the Township.


8.2 This By-law does not apply so as to prevent a farm, defined as an “agricultural operation” under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying on a normal farm practice as defined in that act.

8.3 Section 3.8 of this By-law does not apply to land on which construction is proceeding under a valid building permit or municipal consent.

8.4 Section 3.10 of this By-law does not apply to a bog, marsh, forested area or wetland.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8<sup>TH</sup> DAY OF APRIL, 2024.**

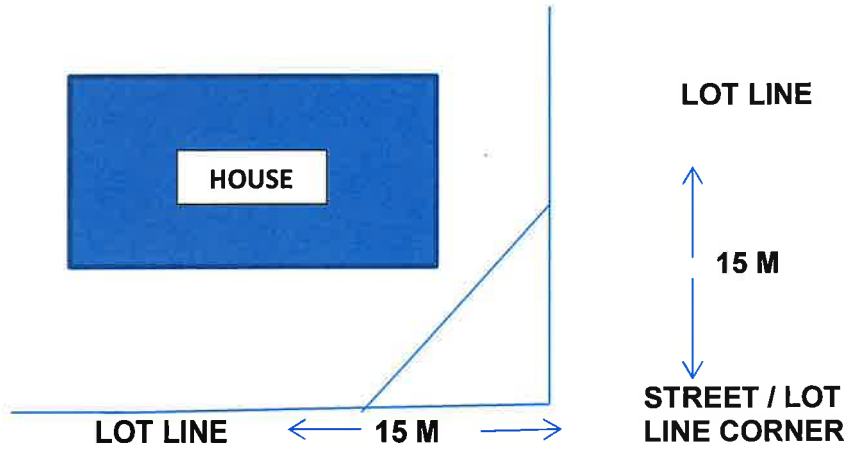
  
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Susan Foxtton, Mayor

  
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Kyle Kruger, Acting Clerk

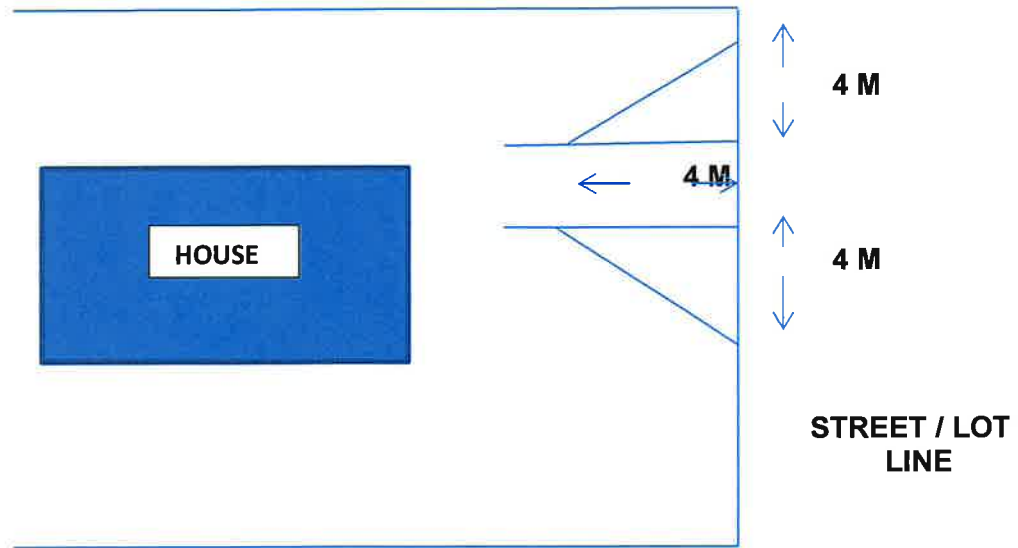
**SCHEDULE 'A'**

**BY-LAW NUMBER 3472-24**

**CORNER DAYLIGHT TRIANGLE**



**DRIVEWAY DAYLIGHT TRIANGLE**



(NOT TO SCALE)

