



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2016-68

**A BY-LAW RESPECTING LITTER, YARD WASTE  
AND PROPERTY MAINTENANCE FOR THE TOWNSHIP OF KING**

**WHEREAS** Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the *Municipal Act, 2001* or any other Act;

**AND WHEREAS** Sections 8, 9 and 11 of the *Municipal Act, 2001* permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a local municipality may pass By-laws regulating highways under its jurisdiction;

**AND WHEREAS** Section 122 of the *Municipal Act, 2001* provides that a municipality may require the owners or occupants of buildings to remove snow and ice from the roofs of the buildings, and may regulate when and how the removal shall be undertaken;

**AND WHEREAS** Section 127 of the *Municipal Act, 2001* permits a municipality to pass By-laws requiring an owner or occupant of land to clean and clear the land, not including buildings; to clear refuse or debris from the land, not including buildings; for regulating when and how such matters shall be done; for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of the land; and for defining "refuse";

**AND WHEREAS** Section 128 of the *Municipal Act, 2001* permits a municipality to pass By-laws to 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 in the opinion of Council are or could become public nuisances;

**AND WHEREAS** Section 129 of the *Municipal Act, 2001* permits a municipality to pass By-laws to prohibit and regulate with respect to odour, dust, and outdoor illumination including indoor lighting that can be seen outdoors;

**AND WHEREAS** Section 131 of the *Municipal Act, 2001*, permits a municipality to 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** Section 425 of the *Municipal Act, 2001* permits a municipality to pass By-laws providing that any person who contravenes any *By-law* of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

**AND WHEREAS** Section 436 of the *Municipal Act, 2001* permits a municipality to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a *By-law* passed under the *Municipal Act, 2001*, or a direction or order made under such a bylaw are being complied with;

**AND WHEREAS** section 439 of the *Municipal Act, 2001* provides that the owner of a vehicle is guilty of an offence even if the owner is not the driver of the vehicle,

**AND WHEREAS** Subsection 444(1) of the *Municipal Act, 2001* permits a municipality, if satisfied that a contravention of a *By-law* of the municipality passed under the *Municipal Act, 2001* has occurred, to make an order requiring the person who contravened the *By-law* or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**AND WHEREAS** Subsection 445(3) of the *Municipal Act, 2001* permits a municipality to require that work be done pursuant to Subsection 445(1) even though the facts which constitute the contravention of the *By-law* were present before the *By-law* making them a contravention came into force;

**AND WHEREAS** Subsection 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority under the *Municipal Act, 2001* or any other Act, or under a By-law under the *Municipal Act, 2001* or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**AND WHEREAS** Subsection 446(2) of the *Municipal Act, 2001* provides that a municipality may enter upon land at any reasonable time for the purposes of Subsection 446(1);

**AND WHEREAS** Subsection 446(3) of the *Municipal Act, 2001* permits a municipality to recover the costs of doing a matter or thing under Subsection 446(1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** in the opinion of Council for the Township of King, the act of parking, standing or stopping a vehicle on a front yard, side yard or boulevard, or odour, dust or illumination is or could become a public nuisance;

**AND WHEREAS** in the opinion of Council, deems it necessary to regulate the cleaning and clearing of land, maintenance of boulevards and the clearing of snow and ice from sidewalks and roofs of buildings within the Township;

**NOW THEREFORE** the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

## **I. ADMINISTRATION AND INTERPRETATION**

### **Short Title**

1. This *By-law* may be referred to as "Clean Yards By-law"

### **Administration**

- 1.1. This *By-law* will be administered by the *Clerk* and may be enforced by the *officers*.

### **Interpretation**

- 1.2. For the purposes of this *By-law*:
  - a) In the interpretation and application of the provisions of this *By-law*, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the public, health, safety, comfort, convenience and general welfare.
  - b) *Council* of the *Township* deems *standing water*, *loose rubbish* and *debris* on lands and unkempt *property* a nuisance that could create a health and safety hazard for the public.

### **Word Usage**

- 1.2.1. Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.

### **Reference to Legislation**

- 1.2.2. Reference to any Act, Regulation or By-law is reference to that Act, Regulation or By-law as it is amended, or re-enacted from time to time.

### **Conflict**

- 1.2.3. Where 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 highest standards to protect the health and safety of the public shall apply.
- 1.2.4. Where the provisions of this *By-law* conflicts with any Act, the provisions of the provincial standards shall prevail.

- 1.2.5. In the case of a conflict between this *By-law* and the permitted uses of *Township Zoning By-laws* and/or respective site plan agreements, the provisions that establish the highest standards to protect the health and safety of the public shall apply.

## II. DEFINITIONS

2. In this By-law,

- 2.1. "*Adjacent boulevard*" means the *boulevard* immediately adjacent to the front, side, rear or exterior side of a *property*.
- 2.2. "*Adjacent sidewalk*" means a public *sidewalk* located on a *boulevard* immediately adjacent to the front, side, rear and/or *exterior side yard* of a *property*.
- 2.3. "*By-law*" means this Clean Yards By-law.
- 2.4. "*Boulevard*" means that portion of every road allowance within the limits of the *Township* which is not used as a *sidewalk*, driveway access, traveled roadway or shoulder.
- 2.5. "*Clear water waste*" means *waste water* containing no impurities or contaminants that are harmful to a *person's* health, plant or animal life or that impair the quality of the natural environment.
- 2.6. "*Clerk*" means the *Clerk* appointed on behalf of the *Township* and includes his/her designate.
- 2.7. "*Costs*" means all monetary expenses incurred by the *Township* during and throughout the process of any *remedial work*, including interest and may include an administrative surcharge amount as determined by the *Township Fees and Charges By-law*.
- 2.8. "*Council*" means the *Council* of the *Township* of King.
- 2.9. "*Composting*" means the biological degradation or breakdown of organic material into a dark soil-like material called humus.
- 2.10. "*Derelict 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 *motor vehicles* not licenced for the current year.
- 2.11. "*Dwelling unit*" means a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for use of the residents and their guests and with a private entrance from the outside of the building or from a common hallway or stairway inside.
- 2.12. "*Fill*" means any type of material capable of being removed from or deposited on lands, such as soil, stone, sod, turf, concrete, and asphalt either singly or in combination.
- 2.13. "*Graffiti*" means writing, drawing, or symbols applied to any surface, and includes scribbles, scratches and/or sprayed illicitly on a wall or other surface. *Graffiti* ranges from simple written words to elaborate wall paintings.
- 2.14. "*Highway*" means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance, a street as defined in the *Municipal Act, 2001*

and the *Highway Traffic Act* and a *highway* as defined in the *Municipal Act, 2001* and the *Highway Traffic Act*.

- 2.15. "*Infestation*" means the overrunning of a *property* by vermin, rodents and insects.
- 2.16. "*Medical Officer of Health*" refers to the *Medical Officer of Health* for the Region of York.
- 2.17. "*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*.
- 2.18. "*Natural garden*" means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape.
- 2.19. "*Officer*" means a *person* appointed and/or responsible for the enforcement of provisions of *Township By-laws* and may include his/her designate.
- 2.20. "*Owner*" means the registered *owner* of land or the occupant, tenant, leasee 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.
- 2.21. "*Person*" includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual.
- 2.22. "*Property*" means land and includes; a parcel or tract of land capable of being conveyed as a separate parcel pursuant to the provisions of the *Planning Act*, or is described in accordance with a registered Plan of Condominium.
- 2.23. "*Public Nuisance*" means an activity or activities, intentional or negligent in origin, which have a detrimental impact on the use and enjoyment of properties in the vicinity of the premises and for the purposes of this *By-law* includes odour, dust and illumination.
- 2.24. "*Recreational Vehicle*" means a specially designed vehicle used for recreation purposes, whether or not it is required to be licensed, including an all-terrain vehicle, a snowmobile, a camper, a motor home, a boat or *trailer*.
- 2.25. "*Refuse*" or "*Debris*" or "*Rubbish*" means any *waste* material of any kind whatsoever and without limiting the generality of the foregoing includes: 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, earth or rock *fill*, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperative, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard.
- 2.26. "*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.
- 2.27. "*Sewage*" means, a liquid or water borne *waste*, of industrial or commercial origin, or of domestic origin, including human body *waste*, toilet or other bathroom *waste*, and shower, tub, culinary, sink and laundry *waste*, or liquid or water borne *waste* discharged

from a *public pool* to a drain. 'Grey water' means sanitary *sewage* of domestic origin that is derived from fixtures other than sanitary units.

- 2.28. "*Sidewalk*" means a municipal or regional *sidewalk* located on a *boulevard*.
- 2.29. "*Standing Water*" means any water, other than a natural body of water that exists on a permanent basis that is found on the ground.
- 2.30. "*Trailer*" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another vehicle or any device or apparatus not designed to transport *persons* or *property*, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.
- 2.31. "*Township*" means The Corporation of the *Township* of King.
- 2.32. "*Waste*" means any *waste* of any kind whatsoever and without limiting the generality of the forgoing includes; *rubbish* and *debris*, *refuse*, *sewage*, effluent, garbage, or litter of any type including household *waste*.
- 2.33. "*Weed(s)*" 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*.
- 2.34. "*Yard*" means an open, uncovered space on a lot appurtenant to a main building and unoccupied by buildings or structures except as specifically permitted elsewhere in this *By-law*. In determining *yard* measurements the minimum horizontal distance from the respective lot lines shall be used; and,
- a) "*Exterior Side Yard*" means the side *yard* of a corner lot which side *yard* extends from the *front yard* to the *rear yard* between the street line and the nearest wall of any building or structure. The minimum exterior *yard* means the minimum depth of an *exterior side yard* on a lot between the exterior side lot line and the nearest wall of any building or structure on the lot.
  - b) "*Front Yard*" means a *yard* extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot. The minimum *front yard* means the minimum depth of a *front yard* on a lot between the front lot line and the nearest wall of any building or structure on the lot.
  - c) "*Rear Yard*" means a *yard* extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot. The minimum *rear yard* means the minimum depth of a *rear yard* on a lot between the rear lot line and the nearest wall of any building or structure on the lot.
- 2.35. "*Zoning By-law*" means a *By-law* passed by *Council* under the authority of the *Planning Act*.

### III. STANDARDS FOR ALL PROPERTIES

#### Property Maintenance

3. Every *owner* of *property* shall keep his *property* maintained free of accumulation of *rubbish*, *debris*, discarded objects, and shall also keep their *property* free from conditions such as holes or excavations that might create a health, safety, or accident hazard.

#### Landscaping

- 3.1. Every *owner* shall ensure suitable ground cover be provided to prevent erosion of the soil.
- 3.2. Every *owner* shall ensure where grass forms part of the ground cover, it shall be resodded or reseeded as often as required to maintain the grass in a living condition

and cut so as not to be unreasonably overgrown in relation to the neighbouring environment.

- 3.3. Notwithstanding section 3.2 where a *natural garden* forms part of the ground cover, it shall be maintained in a living condition.

### **Trees/Plants/Vegetation**

- 3.4. Every *person* shall ensure that vegetation on his/her *property* be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or the passage of the general public.
- 3.5. Every *person* shall keep his/her *property* reasonably clear from *weeds*, heavy growth, and dead or dying trees and shrubs, and all trees on the *property* shall be pruned so as to be free from dead or dying branches.
- 3.6. No *person* shall have, plant, grow, maintain or permit on his/her *property*; a hedge, shrub, plant or tree which:
- a) interferes with the safety of the public;
  - b) affects the safety of vehicular or pedestrian traffic;
  - c) constitutes an obstruction of view for vehicular or pedestrian traffic;
  - d) wholly or partially conceals or interferes with the use of any hydrant or water valve, or other utility;
  - e) encroaches upon any *sidewalk* or pavement or traveled portion of any street or highway; or
  - f) overhangs over any *sidewalk*, pavement or traveled portion of any street or highway.

### **Dirt Piles**

- 3.7. Every *person* shall keep their *property* graded, and any *fill* placed on *property*, shall be levelled within ten (10) days of placement of such *fill* material.
- 3.8. Notwithstanding section 3.7 any dirt placed or levelled must be in accordance with the *Township* site alteration By-laws.

### **Property Maintenance-Waste**

- 3.9. Every *person* shall:
- a) keep his/her *property* free and clear of all *refuse*, *debris*, *rubbish*, or *waste* of any kind, including from any objects or conditions that may create a health, fire or accident hazard;
  - b) ensure that his/her land is free and clear of *infestation*;
  - c) ensure garbage, *rubbish*, and are promptly stored in receptacles and removed in accordance with applicable laws.

### **Garbage Refuse and Disposal**

- 3.10. Every owner of *property* shall store household *waste* in rigid, watertight containers, which are maintained in good condition without holes or spillage and with secure lids when stored outdoors, and household *waste* shall not be stored in the *front yard* of a residential *property* where the *property* has a garage, side *yard* or designated storage facility.
- 3.11. Notwithstanding section 3.10, garbage may be placed in a *front yard* in accordance with *Township* garbage collection and regular scheduled pick up.
- 3.12. Materials of a flammable nature shall, if they are lawfully on the *property*, be safely stored or else removed at once from the *property*.

- 3.13. Containers shall be made available in a prominent position on non-residential *property* for the disposal of *waste* which may be discarded by customers and others, and land shall be kept free of such *waste*.
- 3.14. Where *waste* is to be stored or placed for disposal outside the enclosing walls of a building, the storage and placement of such receptacles shall:
- a) be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health concern or through deterioration, wind or misuse of the storage facility; and
  - b) be screened if less than sixty (60) metres (18.28 ft.) from a highway, walkway, park or residential *property* so as not to be visible from such locations.
- 3.15. A balcony, porch, deck or landing shall be maintained free from accumulation of *refuse*, *debris* or *rubbish* and any conditions that might create a health, fire or accident hazard.
- 3.16. In multiple occupancy dwellings, every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition.

### **Littering**

- 3.17. No *person* shall throw, place or deposit *refuse*, *debris*, *rubbish*, or *waste* of any kind on any *property* or highway.
- 3.18. No *person* shall throw, place, deposit leaves, grass clippings, dirt or snow on a highway, or *sidewalk*.

### **Unsafe/Hazardous**

- 3.19. Every *owner* shall:
- a) keep his/her *property* free of holes or excavations which may create health or accident hazards;
  - b) ensure any excavation or other declivity, pit or hole is enclosed with a fence; and
  - c) ensure any open well is enclosed with a proper fitting lid.

### **Derelict Motor Vehicles/Trailers**

- 3.20. No *owner* shall use any *property* for the parking, storage, keeping 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.
- 3.21. Any vehicle, including without limitation of the generality of the foregoing, trailer, tractor, farm implements, truck camper, camper, boat or motorcycle, or remnant of part or parts thereof or mechanical equipment, which is in a wrecked, discarded, dismantled or inoperative condition vehicle or *trailer* that does not properly display thereon a valid and current licence plate or marker thereof, shall, for the purpose of this *By-law* be deemed to be discarded, inoperative or abandoned.
- 3.22. In the case of farm machinery or equipment on *property* where the 'use' of keeping same is permitted in accordance with the *Zoning By-laws*, all such vehicles or equipment shall be parked or stored in a neat and orderly manner.

- 3.23. Section 3.20 does not apply to a *property* if the use is necessary in the operation of a permitted 'use' lawfully situated on the *property* pursuant to the *Zoning By-laws* and/or respective site plan agreements, and their respective screening requirements.

#### **Utility Trailer/Trailer/Boats/Vehicle**

- 3.24. No *owner* shall park, store, keep or place a *recreational vehicle*, *utility trailer*, *trailer*, boat, mobile home or similar vehicle in a front or *exterior side yard* of a *property* in an area identified as residential, pursuant to the *Township's Zoning By-laws*.

#### **Parking and Paved Areas**

- 3.25. Every *owner* shall ensure that all steps, walks, driveways, parking spaces, and similar areas of *yards* shall be maintained in good repair so as to afford safe passage there along.
- 3.26. Every *owner* shall remove from the roof(s) and eave(s) of every building on the *property* any snow and ice that could pose a health and safety hazard to *persons* or *property* below, in the normal use of walkways, driveways, and parking areas adjacent to, and entrances to, such building(s).
- 3.27. Every *owner* shall ensure that parking areas other than those for residential properties but including those for apartment buildings shall be provided with secured perimeter curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles or other structures adjacent to the parking lot or adjoining *property* and from encroaching onto adjoining *property*.

#### **Screening**

- 3.28. The *owner* of any outdoor salvage *yard*, outdoor storage *yard* where permitted pursuant to the *Zoning By-laws*, shall ensure the *property* be obscured by screening or fencing from surrounding *property* and the street.

#### **Composting**

- 3.29. No *owner* shall permit *composting* of any kind other than in accordance with this *By-law*.
- 3.30. All *composting* shall be carried out in accordance with the following requirements:
- a) *Composting* is permitted only in a *rear yard* of a *dwelling unit*;
  - b) *Composting* shall take place 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) there shall be no more than two (2) 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 two (2) cubic metres;
  - e) no feces shall be placed in a compost container, pile or digester used for *composting*;
  - f) no offensive odour shall be permitted to emanate from the compost container, pile or digester used for *composting*;
  - g) maintained in such a manner to deter animals, rodents or vermin;
  - h) organic materials placed in a compost container shall be kept covered with *yard waste*, soil or humus;
  - i) any compost container, pile or digester used for *composting* shall be set back at least 1.2 metres (3.93 ft.) from any lot line; and
  - j) in a pile no larger than one square metre and 1.2 metres (3.93 ft.) 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*.

- 3.31. Section 3.30 does not apply to a *property* if *composting* is necessary for the operation of a permitted 'use' lawfully situated on the *property* pursuant to the *Zoning By-laws* and/or respective site plan agreements.

### **Firewood**

- 3.32. No *owner* shall keep fire wood on the *property* unless actually used for wood burning on the *property*.
- 3.33. Firewood shall be kept, stored or placed in a rear or side *yard* provided the following provisions are met:
- a) The firewood is used for wood burning on the *property* or in the dwelling;
  - b) The area of *property* occupied by the firewood is not more than the (15%) of the total area of the *yard* area where it is situated.
  - c) The firewood is neatly piled and located 1.2 meters (3.93 ft.) away from lot lines;
  - d) The firewood pile is stored not to exceed a total height of more than 2.43 meters (8 ft.) in a *rear yard* or 1.82 meters (6 ft.) in a *side yard*; and
  - e) The firewood should not be piled along a fence which might facilitate climbing, where a pool may be located on adjacent *property*.
- 3.34. Section 3.33 does not apply to a *property* if the storage of firewood is necessary for the operation of a permitted 'use' lawfully situated on the *property* pursuant to the *Zoning By-laws*.

### **Public Nuisance**

- 3.35. Interpretation
- a) Whether a thing or activity annoys or disturbs a *person* or otherwise constitutes a nuisance is a question of fact to be determined by a Court hearing a prosecution pursuant to sections 3.36-3.40 of the Bylaw.
  - b) In making a determination with respect to an offence under this Part a Court may take into consideration any or all of the following factors:
    - i. the frequency of the activity;
    - ii. the intensity and duration of the activity;
    - iii. the time of day or season;
    - iv. the nature of the surrounding area;
    - v. the effect of the thing or activity on a complainant or complainants; and
    - vi. the effect of the thing or activity on the surrounding area.

### **Dust**

- 3.36. Every *owner* shall maintain his/her *property* in a manner to prevent accumulations of dust or dirt from spreading to neighbouring properties.
- 3.37. Section 3.39 does not apply to a *property* if the dust is necessary in the operation of a permitted 'use' lawfully situated on the *property* pursuant to the *Zoning By-laws* and/or respective site plan agreements.

### **Light**

- 3.38. No *owner* of *property* shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.
- 3.39. An outdoor light shall not constitute a violation of subsection 3.40 ~~3.41~~ if the *owner* or occupier of the *property* shields the light from shining directly at the living or sleeping areas of the adjacent dwelling house.

- 3.40. No *owner* of a *property* shall cause or permit light to be broadcast directly from that *property* onto another *property*.

#### **Graffiti**

- 3.41. No *person* shall place, cause or permit *graffiti* to be placed on any *property* within the *Township*.
- 3.42. Every *owner* shall at all times maintain *property* free of *graffiti*.

#### **Standing Water**

- 3.43. No *owner* shall permit *standing water* for a period in excess of three (3) days on *property* including but not limited to on the ground, in *waste*, *debris*, accessory structures or *property*.
- 3.44. Every *owner* of *property* containing a swimming pool, hot tub, wading pool or artificial pond shall maintain such swimming pool, hot tub, wading pool or artificial pond in good repair and working condition and free of *standing water*.
- 3.45. Any *person* owning a *property* in the *Township* where a natural pond or marsh exists, shall when ordered by the *Medical Officer of Health* that significant medical hazard exists, shall take the steps outlined by the *Medical Officer of Health* to remedy the situation. Not limiting the foregoing, it may include the filling or draining of the body of water or the treatment of the same with a larvicide.

#### **Sanitary Sewage**

- 3.46. No *owner* shall discharge or permit the discharge of *sanitary sewage* onto the surface of the ground whether into a natural or artificial surface drainage system.

#### **Drainage**

- 3.47. Every *owner* shall ensure that all storm water, run-off from downspouts and impervious surfaces on the *property* is contained within the limits of the *property* until absorbed by the soil or drained to a swale, watercourse or storm sewer.
- 3.48. Every *owner* shall ensure that all storm water, including roof drainage is drained from the *property* so as to prevent recurrent or excessive ponding or the entrance of water to a basement or cellar.
- 3.49. Every *owner* shall ensure that roof drainage is not to be discharged directly onto *sidewalks*, stairs or neighbouring *property*.
- 3.50. Every *owner* shall ensure catch basins and storm drains installed on *property*, be maintained in a good state of repair and free from conditions which would impede the natural flow of water.
- 3.51. No *owner* of *property* shall obstruct or permit the obstruction of a watercourse on such *property*.
- 3.52. Every *owner* of *property* shall:
- a) If there is reoccurring excessive ponding ensure adequate drainage is installed in accordance with the Site Alteration By-law; and
  - b) ensure that such *property* is not filled, graded, re-graded or altered in any way that would change existing surface drainage patterns or create additional storm water run-off onto any adjacent *property*.

#### **Swimming Pools**

- 3.53. Every *owner* shall ensure that any swimming pool, hot tub or sump pump discharge from *property* is drained so as to prevent ponding or entrance of water into a basement or cellar; not discharged onto walkways, *boulevards*, stairs, or neighbouring properties;

and if chlorinated or chemically treated shall be dechlorinated before being discharged to a storm sewer.

- 3.54. Every *owner* shall keep a swimming pool, hot tub, wading pool, or artificial pond in good repair and working condition.

#### **Boulevards- Grass on Boulevards**

- 3.55. Every *owner* of a *property* shall maintain the *adjacent boulevard* free of long grass, and/or *weeds*.

- 3.56. Section 3.55 does not apply to *owners* of *property* zoned rural or agricultural, pursuant to the *Zoning By-laws*.

#### **Snow on Sidewalks**

- 3.57. Every *owner* of a *property* shall remove snow and ice from *sidewalks* adjacent to their *property* within twenty-four (24) hours of the end of a snow accumulation or the freezing of precipitation or the freezing of moisture.

- 3.58. Every *owner* of a building which is located in close proximity to a *sidewalk* or highway shall remove snow and ice from the roof of the building to prevent snow and ice from falling upon the *sidewalk* or highway.

- 3.59. Every *owner* of a building which is located in close proximity to a *sidewalk* or highway shall take sufficient care while removing snow and ice from the roof of the building to protect the safety of pedestrian and vehicle traffic.

### **IV. GENERAL PROVISIONS ENFORCEMENT**

#### **Inspection**

4. An *officer* may enter onto land and inspect any *land* to determine whether the provisions of this *By-law*, or an order issued under this *By-law* have been complied with.

#### **Obstruction**

- 4.1. No *person* shall hinder or obstruct, or attempt to hinder or obstruct, any *person* who is exercising a power or performing a duty under this *By-law*.

#### **Order to Discontinue Activity**

- 4.2. If an *officer* has reasonable grounds to believe that a contravention of this *By-law* has occurred, the *officer* may make an order requiring the *owner* of the land and *person* who contravened the *By-law*, or who caused or permitted the contravention, or the *owner* or occupier of the land on which the contravention occurred, to discontinue the contravention.

#### **Work Order**

- 4.3. If an *officer* is satisfied that a contravention of this *By-law* has occurred, the *officer* may make an order requiring the work to be done to correct the contravention.

- 4.4. An order issued under the authority of this *By-law*, shall set out:
- a) the municipal address of the *property* on which the contravention occurred;
  - b) the date of the contravention;
  - c) the reasonable particulars of the contravention of the *By-law*;
  - d) the date by which there must be compliance with the order; and
  - e) the date on which the order expires.
  - f) notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the *owner* and the cost of the work may be recovered by adding the amount to the *owner's* tax roll.

### Service of Orders

- 4.5. The order may be served personally on the *person* to whom it is directed or by regular mail to the last known address of that *person*, in which case it shall be deemed to have been given on the third day after mailing. Service on a corporation can be made by registered mail to the corporate mailing address.

### Unable to effect service

- 4.6. If the *Township* is unable to effect service on the *owner*, a placard containing the terms of the order may be placed in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service of the order on the *owner*.

### Work Done by the Township

- 4.7. If the work required by an order under the provisions of this *By-law*, is not done within the specified period, the *Township*, in addition to all other remedies it may have, may do the work at the *owner's* expense and may enter upon the land, at any reasonable time, for this purpose.
- 4.8. If the *costs* for work pursuant the provisions of this *By-law* are not paid to the *Township* within 30 days of written demand thereof, the Treasurer for the *Township* may add the *costs*, including interest, to the tax roll for the lot and collect them in the same manner as municipal taxes.

### Offence and Penalty

- 4.9. Every *person* who contravenes this *By-law*, including an order issued under this *By-law*, is guilty of an offence.
- 4.10. Any *person* who is in contravention of any provision of this *By-law*, or who fails to comply with an Order issued under this *By-law* shall be deemed to be committing a continuing offence for each day that the offence remains in contravention, or for each day that they fail to comply with the Order.
- 4.11. On conviction, a *person* may be liable:
- a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
  - b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
  - c) upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
  - d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.
- 4.12. For the purposes of this *By-law*:
- a) "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this *By-law*; and
  - b) A "subsequent offence" means a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

## V. ENFORCEMENT

5. This *By-law* maybe enforced by an *officer*, *peace officer* or any other *person* hired or appointed by the *Township* for the purposes of enforcing this *By-law*.

- 5.1. 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.

**VI. VALIDITY & SEVERABILITY**

6. Notwithstanding any section, subsections, clause, paragraph or provision of 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.

**VII. REPEAL & TRANSITIONAL**

7. This *By-law* repeals By-law ~~2002-138~~, 2001-138, 2003-32 and further Section 4.3 through to Section 4.6.4, and Section 4.10.4 through to Section 4.10.10 of By-law 98-182, as of the date of the enactment of this *By-law*; and
  - 7.1. Notwithstanding the above By-laws and/or sections repealed, they shall continue to apply to any acts, omissions or occurrences, and any offences that took place prior to the enactment of this *By-law*.

**VIII. FORCE & EFFECT**

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

**READ a FIRST and SECOND** time this 11th day of July, 2016.

**READ a THIRD** time and **FINALLY PASSED** this 11th, day of July, 2016.

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Steve Pellegrini  
Mayor

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Kathryn Moyle  
Director of Clerks/By-law Enforcement  
Township Clerk