

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2019-038

BEING a by-law to regulate care and maintenance of land.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c.25 s. 127 authorizes the Council to pass by-laws to require the owner or occupant of land to clean and clear the land, or to clear refuse or debris from the land;

AND WHEREAS the *Municipal Act, 2001*, c.25 s. 128 authorizes the Council to pass by-laws with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS the *Municipal Act, 2001*, c.25 s. 446 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 owners' expense and add the cost to the tax roll;

AND WHEREAS Council of the Township of South Stormont deems it necessary for the health, safety and welfare of the inhabitants to enact a by-law requiring 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 Council of the Township of South Stormont enacts as follows:

SHORT TITLE

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

DEFINITIONS

1. In this by-law:

"Administration Fee" shall mean the costs incurred by the Township for the administration and enforcement of this by-law and shall be in accordance with the Fees and Charges By-law.

"Council" means the Council of the Township of South Stormont.

- "Derelict Vehicle" shall mean a 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 or windows.
- "Grass" shall include all forms, types and species of grass, weeds, tall grass and or any other plant material.
- "Owner" shall mean 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" shall mean an individual, firm, corporation, association, partnership, trust organization, trustee or agent and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law.
- "Refuse" shall mean any article, thing, matter or any effluent belonging to or associated with a house or household, and any article, thing, matter or any effluent belonging to or associated with any farming operation, industry, trade or business that in the opinion of the Municipal Law Enforcement Officer, or designate, appears to be cast aside, discarded, abandoned or appears to be worthless, useless or of no practical value, or appears to be used up in whole or in part, or worn out, and without limiting the foregoing, may include:
- (a) Accumulations, deposits, remains, rubbish or trash;
 - (b) Litter, including paper, cartons, newspapers, flyers, cardboard, and/or packaging;
 - (c) Accumulations of yard clippings, tree and garden cuttings, brush or leaves;
 - (d) Appliances including refrigerators, stoves, freezers or any other appliances, and any parts thereof, including attached hinges, latches, locking or closing mechanisms and/or devices;
 - (e) Derelict vehicles, including vehicle parts and/or accessories;
 - (f) Machinery and machinery equipment and/or parts, including furnaces and/or furnace parts, pipes and/or pipe fittings, water tanks, fuel tanks, and/or septic tanks, tubing, conduits, cable fittings and/or other accessories;
 - (g) Containers of any size, type, or composition, including cans, glass or plastic containers;
 - (h) Sewage, as defined in this by-law;
 - (i) 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, include debris (wood piles or windrows) left from the clearing of land for the purposes of residential lots; and/or

- (j) Any other material that does not appear to be actively used for its intended purpose.
- (k) Improper composting of materials including pet droppings, meat, bones and fish, or inorganic materials such as glass, plastics or aluminum foil.

"Sewage" includes liquid waste containing human, animal, vegetable, or mineral matter, oils, chemicals, fuels, and/or other liquid remains.

"Tall grass" grass which exceeds twenty (20) centimeters (eight (8) inches) in height.

"Township" means the Township of South Stormont.

"Municipal Law Enforcement Officer" shall mean a person, or designate, who is an employee of the Township of South Stormont and who has been appointed by Council to administer and enforce all or part of this By-law on behalf of the Township.

"Vehicle" shall include an automobile, motorcycle, motor-assist bicycle, boats, trailers and/or any other vehicle propelled or driven mechanically or by muscular power, whether licensed or unlicensed.

"Yard" shall mean the land within the boundary lines of a property not occupied by a principal building, if any, and shall include grounds and/or vacant property.

SCOPE AND APPLICATION

2. This By-law shall apply to all land within the Township of South Stormont.
3. Where a provision of this By-law conflicts with a provision of another By-law in force and effect in the Township, the provision that established the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

PROPERTY MAINTENANCE

4. Every owner of land shall maintain said yard free from refuse.
5. Every owner shall ensure that the storage of any vehicles conforms to standards and requirements of any Township By-law and/or applicable legislation.
 - (1) Except as otherwise permitted by the Township's Zoning By-law, as amended, no owner shall cause or

permit the storage of derelict vehicles on the yard, unless the derelict vehicle and its parts are kept in an enclosed building.

(2) Sections 4 and 5 do not apply to vehicles used primarily for agricultural uses on lands with an ongoing agricultural operation.

6. Every owner shall ensure that all grassed areas of the yard are cut and maintained so as to be consistent with the surrounding environment.

(1) Every owner of land less than 0.4 hectares in size, shall ensure that all grassed areas of the yard are cut and maintained, and shall not exceed the height requirement of tall grass.

ADMINISTRATION AND ENFORCEMENT

7. The Municipal Law Enforcement Officer or designate shall be responsible for the administration and enforcement of this By-law.

Right of Entry

8. A Municipal Law Enforcement Officer, or designate may enter on land at all reasonable times for the purpose of:

(1) Carrying out an inspection;

(2) To ascertain whether the provisions of this By-law are complied with, or

(3) To ascertain whether the conditions of a Notice to Comply, issued pursuant to this By-law, have been complied with.

9. For the purposes of an inspection conducted under this By-law, the Municipal Law Enforcement Officer, or designate may:

(1) Require the production of documents or things for review, that may be relevant to the inspection or the enforcement of a Notice to Comply pursuant to this by-law;

(2) Inspect and/or remove documents or things relevant to the inspection or enforcement of a Notice to Comply, for the purpose of making copies;

(3) Require information from any person concerning a matter related to the inspection or enforcement of a Notice to Comply; and/or

(4) Alone, or in conjunction with a person possessing special or expert knowledge, take measurements, make examinations or take samples or photographs necessary for the purposes of the inspection or enforcement of a Notice to Comply.

10. No person shall hinder or obstruct or attempt to hinder or obstruct a Municipal Law Enforcement Officer, or designate

exercising power or authority, or performing a duty as permitted under this By-law.

Notice to Comply

11. Where a Municipal Law Enforcement Officer or designate is satisfied that the land that does not comply with the provisions of this By-law, the Municipal Law Enforcement Officer, or designate may issue a Notice to Comply upon the owner, requiring the owner to bring the land into compliance with the provisions of this By-law.
12. A Notice to Comply shall set out:
 - (1) Reasonable particulars of the non-compliance, and identify the land;
 - (2) The work to be done to bring the land into compliance;
 - (3) The date by which the work shall be completed to bring the land into compliance; and
 - (4) Provide notice that if the required work to bring the land into compliance is not completed by the prescribed date, that the Township may do the work and expense the cost, plus administration fee, to the owner.

Service of Notice to Comply

13. A Notice to Comply issued pursuant to this By-law, may be served:
 - (1) Personally, with service being deemed effective on the date given;
 - (2) By registered mail, with service being deemed effective on the fifth (5th) day after mailing;
 - (3) By placing the Notice to Comply in the mailbox or other depository ordinarily used for mail, with service being deemed effective on the fifth (5th) day after the leaving or placing, and/or
 - (4) By posting the Notice to Comply in a conspicuous place on the land, and a Municipal Law Enforcement Officer, or designate may enter the land for this purpose, with service being deemed effective on the fifth (5th) day after the posting.

Failure to Comply with Notice

14. Where an owner to whom a Notice of Comply has been issued pursuant to this By-law, fails to comply with the Notice to Comply, the Township, in addition to any other remedies it may have, may do the work required to bring the land into compliance, at the expense of the owner.
 - (1) The cost of bringing the land into compliance, plus administration fee, may be added to the tax roll and collected by the Township in the same manner as property taxes.

15. A Municipal Law Enforcement Officer or designate may enter upon the land at any reasonable time, in order to bring the land into compliance.

(1) In order to bring the yard into compliance the Municipal Law Enforcement Officer or designate may utilize a third party contractor.

EXEMPTIONS

16. Despite provisions herein, this by-law shall not be deemed to:

(1) prohibit the storing of automotive or mechanical equipment, salvage and similar material which is required for legitimate business purposes where permits have been received.

(2) interfere with the filling or raising of land with earth or rock fill done as an adjunct to building operations or disposal of refuse or debris on any lands which have been designated for that purpose by the Township where required permits have been received.

(3) prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as defined by that Act.

OFFENCE AND PENALTY

17. Every person or owner who contravenes any provisions of this By-law, or who fails to comply with a Notice to Comply, is guilty of an offence.

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

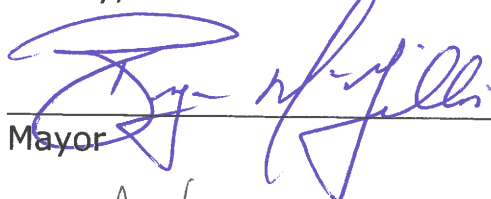
SEVERABILITY

19. If any article or provision of this By-law is for any reason held to be invalid, the remaining articles and/or provisions shall remain in effect until repealed.

ENACTMENT

20. This By-law shall come into full force and effect on the day of passing.

READ AND PASSED in open Council, signed and sealed this 8th day of May, 2019.



Mayor



Clerk

PART I - PROVINCIAL OFFENCES ACT

Township of South Stormont
By-law 2019-038 Clean Yards By-law

	COLUMN 1	COLUMN 2	COLUMN 3
Item	Short Form Wording	Provision Creating or Defining the Offence	Set Fine
1.	Fail to maintain yard free of refuse	4	\$150.00
2.	Fail to properly store derelict vehicle	5 (1)	\$150.00
3.	Fail to cut grass	6	\$150.00
4.	Obstruct Municipal Law Enforcement Officer	10	\$150.00
5.	Fail to comply with a Notice	17	\$150.00

Note: the general penalty provision for the offences listed above is section 18,
a certified copy of which has been filed.