

The Corporation of the Township of Centre Wellington

By-law 2019-65

A By-law for Maintaining Land in a Clean, Clear, and Tidy Manner

Whereas pursuant to Sections 11, 127 and 128 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, hereinafter referred to as “the Act” a municipality may pass By-laws respecting the health, safety and well-being of persons, requiring the cleaning and clearing of land or clearing of refuse and debris from land, and for prohibiting and regulating with respect to public nuisances;

And Whereas Section 425 of the Act permits a municipality to pass By-laws providing that any person who contravenes any By-law of the municipality passed under the Act, is guilty of an offence;

And Whereas Section 436 of the Act 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 Act, or a direction or order made under such a By-law are being complied with;

And Whereas Subsection 444(1) of the Act permits a municipality, if satisfied that a contravention of a By-law of the municipality passed under the Act, 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;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1.0 Title and Scope

- 1.1 This By-law may be referred to as “Clean Yards By-law”.
- 1.2 The standards for maintenance of Property set forth in this By-law are hereby prescribed and adopted as the minimum requirements for all Property within the Township for the purposes of enhancing the quality of communities and/or neighbourhoods, to protect the health, safety and well-being of the public, and to ensure the continued enjoyment of Property for residents and Owners of the Township
- 1.3 This By-law does not apply so as to 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 provided for and defined under that Act.
- 1.4 Applied Meaning of Words and Terms
 - 1.4.1 The words used in the present tense include the future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.
- 1.5 Conflict
 - 1.5.1 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.
 - 1.5.2 Where the provisions of this By-law conflict with any Act, the provisions of the provincial standards shall prevail.
 - 1.5.3 In the case of a conflict between this By-law and the permitted uses of the Township’s 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.

2.0 Definitions

In this By-law:

“Backyard Compost” means a collection of humus material such as kitchen and table waste, grass clippings, plant trimmings, weeds or other leaves;

"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 established by the Township’s Fees and Charges By-law;

“Council” means the Council of the Township;

"Domestic Waste" means any debris, rubbish, garbage, article, matter or effluent usually belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following examples:

- (a) Accumulation or deposits of grass clippings, weeds, brush, tree and garden cuttings;
- (b) Litter, food remains, rubbish, and trash, excluding properly kept and maintained Backyard Compost piles;
- (c) Paper, cartons, cardboard, clothing;
- (d) Cans, glass, plastic containers, dishes or crockery;
- (e) Rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
- (f) Human and animal waste;

"Exterior Property Areas" means a Property, exclusive of a building and an accessory building;

"Ground Cover": means organic or non-organic material applied to prevent the erosion of the soil e.g. concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

"Graffiti" means one or more letters, symbols, marks, etchings, pictorial representations, messages or slogans, howsoever made, that disfigures or defaces a Property;

"Industrial Waste" means any debris, rubbish, garbage, article, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation and includes but is not limited to the following examples:

- (a) Articles, things, matter or effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of, agricultural, animal, vegetable, paper, lumber, or wood products, or mineral, metal or chemical products;
- (b) Containers of any size, type or composition;
- (c) Material resulting from, or as part of, construction or demolition projects;
- (d) Paper, cardboard, packaging or wrapping;
- (e) Rubble, inert fill;
- (f) Bones, feather, hides;

"Infestation" means the overrunning of a Property by vermin, rodents and insects;

"Noxious Weed" means, as defined in the *Weed Control Act*, R.S.O. 1990, c. W. 5, as amended, a plant that is deemed to be a Noxious Weed under subsection 10 (1) or designated as a Noxious Weed under section 24 (a) of that Act, as amended;

"Owner" means any Person over the age of eighteen years in possession of the Property;

"Officer" means a Municipal Law Enforcement Officer, a Police Officer, or any other Person appointed by By-law to enforce the provisions of this By-law;

"Owner" includes,

- (a) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person's own account or as agent or trustee of any other Person, or who would receive the rent if the land and premises were let; and
- (b) a lessee or Occupant of the Property who, under the terms of a lease, is required to repair and maintain the Property in accordance with the standards for the maintenance and occupancy of Property;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Property” means a building or accessory building, or part of a building or accessory building, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected and includes Vacant Land;

“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;

“Standing water” means anybody of stagnant water, other than a natural body of water that exists on a permanent basis or is contained within a Township owned storm water management facility. This does not include standing water that is part of a swimming pool, hot tub, wading pool or artificial pond that is maintained in good repair;

"Township" means the Corporation of the Township of Centre Wellington or the land within the geographic limits of the Corporation of the Township of Centre Wellington as the context requires;

"Unsafe Condition" means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any Person on or about the Property;

"Vacant Land" means land that does not have a building or accessory building;

“Waste” means any waste including Domestic Waste and Industrial Waste;

“Zoning By-law” means a By-law passed by Township Council under the authority of the Planning Act;

3.0 Exterior Property Areas-Maintenance

- 3.1 Every Owner shall ensure all Exterior Property Areas are kept in a neat and tidy condition, and free from:
- (a) Waste
 - (b) Injurious insects, termites, rodents, vermin and other pests and any condition that may promote an infestation;
 - (c) Noxious Weeds, and growth of other weeds, grass, and Ground Cover in excess of 20.32 centimeters (8 inches);
 - (d) Unsightly and unreasonably overgrown, in relation to their environment, Ground Cover, hedges and bushes;
 - (e) Dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which create an Unsafe Condition;
 - (f) Standing Water;
 - (g) Animal excrement;
 - (h) Deep ruts and holes.
- 3.2 Every Owner shall ensure suitable Ground Cover shall be provided to prevent erosion of the soil. Where grass forms a part of the Ground Cover and has been killed, such dead areas shall be re-sodded or re-seeded as often as required so as to restore the grass to a living condition.
- 3.3 Every Owner shall ensure hedges, plantings, trees or other landscaping, required by the Township as a condition of site development, or redevelopment, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out its intended function and maintain an attractive appearance .
- 3.4 Every Owner shall ensure landscaping and general maintenance of the Exterior Property Areas shall not detract from the landscaping and the general maintenance of the neighborhood of which they are a part.

- 3.5 Every Owner shall ensure an abandoned or unused well, septic tank or a hole on a Property shall be filled or safely covered and protected.
- 3.6 Every Owner shall ensure all roofs and components of a roof on buildings shall be maintained so as to prevent any snow and/or ice accumulation where there is a risk of injury to any Person.
- 3.7 Every Owner shall ensure Vacant Land is graded, filled or otherwise drained so as to prevent recurrent ponding.
- 3.8 Every Owner shall ensure all Backyard Compost:
 - (a) Is maintained in a Composter or an open Backyard Compost pile that is not larger than 2.0 metres (21.5 square feet) in area and 1.0 metre (39 inches) in height
 - (b) Is set back a minimum of 0.6 meters (2 feet) from any lot line
 - (c) Does not consist of any animal matter (meat, dairy, feces, bones, or animal fats)
 - (d) Is kept free of pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an Infestation.
- 3.9 No Person shall place, or cause or permit to be placed Graffiti on Property.
- 3.10 The Owner of a Property shall keep the Property free of Graffiti.
- 3.11 Every Owner shall ensure an ice-box, refrigerator, freezer or other container is not placed in an Exterior Property Area for disposal without first removing all locks and doors or taking some other adequate precautionary measure to prevent a Person from being trapped in an ice-box, refrigerator, freezer or other container.
- 3.12 Sections 3.1(c) and 3.1(g) does not apply to a Property that is zoned Agricultural under the Township's Zoning By-law where the predominant use is for agricultural purposes.

4.0 Administration and Enforcement

- 4.1 The enforcement of this By-law shall be conducted by an Officer.
- 4.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 4.3 When any Property is not maintained to the requirements of this By-law, the Officer may notify the Owner or other Person responsible for the maintenance of the Property, by issuing an Order directing the Owner to comply with the provisions of this By-law within a defined period of time, but not less than seventy-two (72) hours. Said Order shall be sent to the last known address as shown on the last revised assessment roll of the Township, or posted on the subject property in a conspicuous location, or delivered personally to the Owner or Person responsible for the Property.
- 4.4 Where an Order has been sent pursuant to Section 4.3 and the requirements of the Order have not been complied with, the Township may direct that Remedial Work be done at the expense of the Owner.
- 4.5 The Township may recover its Costs of remedying a violation of this By-law by invoicing the Owner, by initiating court proceedings or by adding the Costs, 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.
- 4.6 The Township may charge a fee for inspection and administration services pursuant to the Township's Fees and Charges By-law.

- 4.7 Every Person who contravenes any provision of this By-law or every director or Officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- (a) On a first offence, to a fine not more than \$1,000.00; and
 - (b) On a second offence and each subsequent offence, to a fine of not more than \$5,000.00
- 4.8 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 4.9 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 4.10 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.11 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 4.12 Every person who is issued a Part 1 offence notice or summons upon conviction is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

5.0 Validity & Severability

- 5.1 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.

Read a first, second and third time and finally passed this 25th day of November, 2019.



Mayor – Kelly Linton



Clerk – Kerri O'Kane