



# THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE BY-LAW 2016-54

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## **Being A By-Law To Regulate The Maintenance Of Land / Clean Yards**

WHEREAS Section 127 (a) of the Municipal Act, S.O. 2001, c.25 provides that a Municipality may, among other things, require the owner or occupant of land to clean and clear the land, not including buildings, and to clear refuse or debris from the land, not including buildings, and to define "Refuse" for the purposes of this section;

AND WHEREAS Section 128 Municipal Act, S.O. 2001, c.25 as amended provides that a local 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 128 (2) of the Municipal Act, S.O. 2001, c.25 states that the opinion of Council under Section 128 of the Act, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 436 of the Municipal Act, S.O. 2001, c.25, as amended, provides that the Municipality may enter upon land at any reasonable time to carry out an inspection;

AND WHEREAS Section 446 of the said Municipal Act, S.O. 2001, c.25 authorizes the Municipality to take remedial action, entry onto land, recovery of costs and interest and add the costs to the tax roll;

AND WHEREAS the Council of the Corporation of the Municipality of South Bruce deems it necessary and expedient to use the powers granted to it pursuant to the aforementioned Sections of the Municipal Act:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE 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

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

2.1 "By-Law Enforcement Officer" means a person appointed by The Corporation of the Municipality of South Bruce for the purposes of enforcement of this By-Law.

- 2.2 "Ground Cover" shall mean, but is not limited to, grass, weeds and plant materials,
- 2.2 "Inoperative Motor Vehicle" means a vehicle, other than a vehicle that displays a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the Highway Traffic Act:
- 2.3 "Noxious Weeds" – means noxious weeds as defined by the Weed Control Act, R.S.O. 1990, as amended.
- 2.4 "Owner" means and includes an owner, lessee or occupant.
- 2.5 "Order" – means an Order as set out in Schedule "A" of this By-Law.
- 2.6 "Person" means an individual, corporation or other entity.
- 2.7 "Municipality" means the Municipality of South Bruce.
- 2.8 "Refuse" without limiting the generality of the foregoing, shall include debris, rubbish, junk, litter, discarded paper or paper products, unused or discarded materials of any kind, appliances, devices, machinery, furniture, discarded clothing, construction materials, concrete, flagstone, gravel, asphalt, tires, unused motor vehicles or parts thereof, abandoned vehicles, inoperative motor vehicles, vehicles without validated license plate stickers, vehicles without license plates, objects or conditions that may create fire, health or safety hazard, dead animals, old or decayed lumber, decayed trees, discarded trees, parts of trees and leaves or discarded organic materials that are not part of a compost program or something that;
- (a) has been cast aside, discharged or abandoned;
  - (b) is discharged from its usual and intended use; or
  - (c) is used up, in whole or in part, or expended or worn out in whole or in part, and shall include domestic, construction or industrial waste, and provided further that waste does not cease to be refuse by reason that it may be commercially saleable or recyclable;

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

- 3.1 Every owner of grounds, yard or vacant lands in the Municipality of South Bruce shall cut, trim or remove the grass and weeds whenever the growth of the grass or weeds exceeds eight (8) inches in height.
- 3.2 The following lands are exempt from the provisions of Section 3.1;
- (a) Rural lands
  - (b) Agricultural zoned lands
  - (c) Environmentally Protected zoned land (EP)
  - (d) Municipal and County road allowances
  - (e) Lands zoned OS (Open Space)
  - (f) Croplands involved in a farming operation.
  - (g) Lands owned by the Municipality of South Bruce

- 3.3 No owner shall permit refuse to remain on any property within the Municipality of South Bruce.
- 3.4 No person shall put, permit to be put, or permit to remain in an unsafe condition:
- (a) any yard;
  - (b) any excavation or opening in any yard;
  - (c) any septic tank, cistern or well located in any yard.
- 3.5 The By-Law Enforcement Officer may inspect any land for the purpose of determining whether the land or structure is used for the dumping or disposal of refuse of any kind or in compliance with this By-Law or to ascertain that the owner, lessee or occupant has complied with any notice sent by the By-Law Enforcement Officer.

#### SECTION 4 - ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

- 4.1 This By-Law shall be administered and enforced by the Municipality, the By-Law Enforcement Officer or any person appointed or otherwise delegated the authority of administration and enforcement.
- 4.2 If there is a conflict between a provision of this By-Law and a provision of the Property Standards Bylaw or any other Municipal By-Law, it will at the discretion of the By-Law Enforcement Officer to determine which By-Law shall apply.
- 4.3 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.
- 4.4 The By-Law Enforcement Officer designated to perform inspections pursuant to this By-Law may at all reasonable times, enter upon any land for the purpose of carrying out an inspection and take photos to determine whether or not this By-Law is being contravened.
- 4.5 Any order under this By-Law shall be sent registered mail to the last known address of the owner according to the current assessment rolls. or hand delivered to the owner of the property and the order may be posted at the subject property. If sent registered mail the order is deemed served after 5 days, if served on the owner the order is deemed served at the time of service.
- 4.6 The By-Law Enforcement Officer may give an order requiring the owner within a specified time, minimum of 4 days from time of service to.
- (a) Remove all refuse from the identified land.
  - (b) Fill in any yard or opening in any yard.
  - (c) Cut, trim or remove any grass and weeds exceeding six (6) inches in height
- 4.7 Only one (1) order per calendar year is required. If, after an order has been served in accordance with this By-Law, and the By-Law Enforcement Officer, determines that a subsequent violation has occurred, the Municipality may proceed with the remedy set forth in Section 4.8 without further notice

- 4.8 Where the owner is in default of doing the matter or thing required to be done under this By-Law, the By-Law Enforcement Officer may have the said grounds, yards or vacant lands, filled up, drained, cleaned, or cleared, by any means necessary to attain compliance with this By-Law.
- 4.9 Where the Municipality, its employees or authorized agents have performed the work required to bring the property into compliance with the By-Law, all expenses incurred by the Municipality in doing the work as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the property.
- 4.10 No person shall obstruct or hinder, or attempt to obstruct or hinder, a By-Law Enforcement Officer, in the exercise of a power or the performance of a duty under this By-Law.

#### SECTION 5 OFFENCES

- 5.1 Every person who contravenes any of the provisions of this By-Law, or who obstructs or attempts to obstruct an officer or an employee or agent of the Municipality in carrying out his or her duties under this By-Law is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the Provincial Offences Act, R.S.O., 1990, c.P.33.

#### SECTION 6 SEVERABILITY

- 6.1 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.

#### SECTION 7 FORCE AND EFFECT

- 7.1 That this By-Law shall come into force and effect on the date of passing;

Read a FIRST and SECOND time this day of

Read a THIRD TIME and FINALLY PASSED this of

THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE

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Mayor, Robert Buckle

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Clerk, Leanne Martin

*Original Signed*

BY-LAW #2016-54

SCHEDULE "A"

ORDER

MUNICIPALITY OF SOUTH BRUCE

DATE ISSUED:

ISSUED TO:

ADDRESS:

An inspection of your property revealed that a provision(s) of Municipal By-Law XX-XXXX is being contravened. You are hereby directed to correct the following violation(s) listed below by (insert date of compliance) Charges may be forthcoming if the violation is not corrected within the time shown above. The Municipality has the right to correct the violation(s) listed below, the cost will be billed to your taxes and be collected as real taxes. This Order does not authorize continuance of the violation(s).

- 3.1 Every owner of grounds, yard or vacant lands in the Municipality of South Bruce shall cut, trim or remove the grass and weeds whenever the growth of the grass or weeds exceeds six (6) inches in height excluding land zoned agricultural or environmental protected land;
- 3.2 No owner shall permit refuse to remain on any property within the Municipality.
- 3.3 No person shall put, permit to be put, or permit to remain in an unsafe condition:
  - (a) any yard;
  - (b) any excavation or opening in any yard;
  - (c) any septic tank, cistern or well located in any yard.

Signature of Bylaw Enforcement Officer