

# The Corporation of The Municipality of South Bruce By-Law 2026-20

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## Being a By-law to Regulate the Maintenance of Land and the Cleaning up of Yards

**Whereas** Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended (“the Act”) 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** Section 11 of the Act 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 Act provides that a local municipality may pass by-laws regulating highways under its jurisdiction;

**And Whereas** Section 127 of the Act 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 Act 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** Subsection 128 (2) of the Act 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 131 of the Act provides that a local municipality may prohibit and regulate the use of any property 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 Act 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 Act permits a Municipality to pass by-laws providing that the Municipality may enter upon 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 445(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 do work to correct the contravention;

**And Whereas** Section 446 of the Act 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 Act;

**Now Therefore** the Council of the Corporation of the Municipality of South Bruce enacts as follows:

## Section 1 – Interpretation

### Short title

- 1.1. This by-law may be cited as the “Clean Yards By-law”.

### Scope and interpretation

- 1.2. The standards for maintenance of land set forth in this by-law are hereby prescribed and adopted as the minimum requirements for all property within the Municipality 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 Municipality.
- 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.

### Headings

- 1.4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of this by-law.

### Word usage

- 1.5. Words in the present tense include the future or past, singular words 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.

### References to applicable law

- 1.6. A reference in this By-law to a law include any amendments, modifications, or replacements to such law.

### Conflict

- 1.7. Where there is a conflict between a provision of this by-law and a provision of any other municipal by-law, it shall be at the discretion of the officer to determine which by-law shall apply.
- 1.8. Any provincial or federal act that imposes a higher standard shall supersede this by-law.
- 1.9. In the case of a conflict between this by-law and the permitted uses of the Municipality’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.

### Definitions

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

“**Boulevard**” means that portion of every road allowance within the limits of the Municipality which is not used or intended for use for vehicular travel by the general public and includes any landscaped areas and any driveway apron, but does not include a paved or poured hard-surface sidewalk.

“**Buffer Strip**” means a border of turf grass, ground cover or vegetation that outlines a naturalized area.

“**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.

“**Compost**” means the material produced after the controlled decomposition of organic matter by microorganisms for the use of soil amendment.

“**Compost Container**” means an outdoor receptacle designed to aid in the composting process while reducing odor and pest attraction.

**“Council”** means the Council of the Corporation of the Municipality of South Bruce.

**“Driveway Apron”** means that portion of any driveway, parking lot, or other hard surface, whether paved, poured, laid, or otherwise constituted, which extends from private property onto the highway.

**“Ground Cover”** means, but is not limited to, turf grass, plant materials, and other landscaping.

**“Highway”** means a common and public highway, street, avenue, public lane, parkway, driveway, square, place, bridge, viaduct, or trestle, designed and intended for, or used by, the general public for the passage of vehicles and under the jurisdiction of the Municipality of South Bruce, and includes the area between the lateral property lines thereof.

**“Infestation”** means the overrunning of a property or part thereof by pests, vermin, rodents and insects.

**“Motor Vehicle”** means an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power.

**“Municipality”** means The Corporation of the Municipality of South Bruce.

**“Naturalized Area”** means a portion of a lot or yard that has been allowed to establish vegetation through a combination of natural regeneration and deliberate plantings of native and non-native species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof to emulate a natural area for the purpose of re-establishing pollinators, and is monitored and maintained by the property Owner.

**“Noxious Weeds”** means noxious weeds as defined by the *Weed Control Act, R.S.O. 1990*, as amended, the *Invasive Species Act, 2015*, as amended, or any other applicable legislation governing the limitations or prohibitions of certain plants.

**“Officer”** means a person appointed as a By-law Enforcement Officer, a Police Officer or any individual duly appointed to enforce the by-laws of the Municipality.

**“Owner”** includes:

- (a) the registered Owner of the property;
- (b) 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 sublet; and
- (c) a lessee or occupant or tenant 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 or an individual in his or her capacity as a trustee, executor, administrator or other legal representatives.

**“Refuse”** includes any article, thing, or matter that has been cast aside or discarded or abandoned, whether of any value or not, or that has been used up in whole or in part, or expended, or worn out in whole, or in part, or has been discharged from its usual and intended use and provided further that waste does not cease to be refuse by reason that it may be commercially saleable or recyclable, and, without limiting the generality of the foregoing shall include:

- (a) garbage, rubbish, junk or litter;
- (b) organic waste, grass clippings, tree and garden cuttings, brush and leaves which are not part of a horticultural or composting process;
- (c) unusable containers such as crockery, dishes, glassware, bottles, plastic containers, and cans;
- (d) discarded paper, paper products, cardboard, clothing;
- (e) discarded weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks;
- (f) discarded, unused or waste materials resulting from or as part of construction,

alteration, repair or demolition of any building or structure or old or decayed lumber; and

(g) something that has been discharged from its usual and intended use.

**“Standing Water”** means any body of stagnant water, other than a natural body of water that exists on a permanent basis or is contained within a Municipal owned stormwater 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.

**“Vehicle”** includes a motor vehicle, transport trailer, travel trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power.

**“Yard”** means a space appurtenant to a building or structure located on the same lot there with and which space is open, uncovered, and unoccupied from the ground upward except for such accessory buildings or structures.

**“Yard, Exterior Side” or “Exterior Side Yard”** means a side yard immediately adjoining a ‘street’.

**“Yard, Front” or “Front Yard”** means a yard extending across the full width of a lot, measured perpendicularly from the front lot line to the closest wall of any main buildings or structures on the said lot. Where a lot does not have a ‘front lot line’, the front yard shall be measured from the edge of the roadway from which principal access to the lot is gained.

**“Yard, Rear” or “Rear Yard”** means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building on the lot but does not include any exterior side yard.

**“Zoning By-law”** means a by-law passed by Municipal Council under the authority of the *Planning Act*.

## **Section 2 – Maintenance Standards**

### **Hazards**

- 2.1. Every Owner shall ensure that land is kept clean and free from debris, objects or conditions that may create a health, fire, or accident hazard.
- 2.2. Every Owner shall ensure that all steps, pedestrian walkways, driveways, parking spaces or similar areas on their land are maintained so as to afford clear, unobstructed, and safe passage by pedestrians and Vehicles.
- 2.3. Every Owner shall ensure an abandoned or unused well, septic tank or a hole on a property is safely filled in, covered and protected.
- 2.4. Every owner shall keep their property free from any Standing Water.

### **Pests**

- 2.5. No Owner shall permit injurious insects, termites, rodents, vermin and other pests to remain on any property.
- 2.6. No Owner shall permit any condition that may promote an Infestation to remain on any property.

### **Refuse**

- 2.7. No Owner shall permit Refuse to remain on any property.

### **Vehicles**

- 2.8. No Owner shall use any property for the parking, storage, keeping or placement of the following:
  - (a) Vehicles that are wrecked, dismantled, discarded, inoperative, abandoned or in a state of disrepair;
  - (b) Motor Vehicles that are not currently licensed for operation, pursuant to the provisions of the *Highway Traffic Act*; or

- (c) Vehicle parts or components.
- 2.9. Section 2.8 shall not apply to Vehicles parked, stored, kept, or placed in a fully enclosed structure or under a cover, such cover shall shield the entire Vehicle from view and shall be maintained in good repair.
- 2.10. Section 2.8 shall not apply to a property where the storage is necessary in the operation of a permitted 'use' lawfully situated on the property pursuant to the Zoning By-law and/or respective site plan agreements, and their respective screening requirements.
- 2.11. No Person shall place, keep, store, or permit the placing, keeping, or storage of a Vehicle on a Front Yard, except the driveway.

### **Grass and weeds**

- 2.12. Every Owner shall ensure a suitable Ground Cover is 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.
- 2.13. Every Owner of property shall cut, trim or remove the grass, weeds or other similar Ground Cover whenever the growth of the grass, weeds, or similar Ground Cover exceeds 152 millimetres (6 inches) in height.
- 2.14. The following lands are exempt from the provisions of section 2.13;
  - (a) rural lands;
  - (b) lands zoned General Agriculture (A1), Environmental Protection (EP), or Open Space (OS);
  - (c) municipal, county or provincial road allowances; and
  - (d) lands owned by the Municipality of South Bruce, the County of Bruce, the Province of Ontario, or the Government of Canada.

### **Boulevards and Driveway Aprons**

- 2.15. Every Owner of property shall ensure that all adjacent Boulevards and Driveway Aprons are kept free from:
  - (a) long grass, weeds or other similar Ground Cover;
  - (b) Noxious Weeds;
  - (c) hazardous objects or materials;
  - (d) domestic animal excrement;
  - (e) derelict Vehicles or parts thereof; and
  - (f) Refuse, rubbish or other debris.
- 2.16. The following lands are exempt from the provisions of Section 2.15(a);
  - (a) rural lands;
  - (b) lands zoned General Agriculture (A1), Environmental Protection (EP), or Open Space (OS);
  - (c) croplands involved in a farming operation; and
  - (d) lands owned by the Municipality of South Bruce, the County of Bruce, the Province of Ontario, or the Government of Canada.

### **Naturalized Areas**

- 2.17. No Owner shall permit a Naturalized Area on a Boulevard.
- 2.18. Every Owner shall ensure a Naturalized Area is maintained, and shall:
  - (a) be separated from all property lines, streets, and sidewalks by a Buffer Strip that measures at least 1 meter (3.4 feet) in width and is maintained to under 152 millimetres (6 inches) in height,
  - (b) be free from Noxious Weeds, and

- (c) not create an obstruction of view for vehicular or pedestrian traffic.

### **Landscaping**

- 2.19. Every Owner shall ensure that hedges, trees or branches are cut and trimmed so as to not obstruct a public sidewalk, walkway, or Highway and in a manner that allows safe, unhindered passage.
- 2.20. Every Owner shall keep their property free from heavy growth, dead or dying trees and shrubs, and all trees and hedges on the property shall be pruned so as to be free from dead or dying branches.
- 2.21. Every Owner shall ensure hedges, plantings, branches, trees or other landscaping, required by the Municipality 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.

### **Composting**

- 2.22. Every Owner shall ensure the process of creating Compost is:
  - (a) only located in a Rear Yard,
  - (b) being maintained, in either a Compost Container or a Compost pile enclosed on all four sides, that is not larger than 1 metre (3.4 feet) by 1 metre (3.4 feet) in area, and 1 metre (3.4 feet) in height,
  - (c) set back a minimum of 1 metre (3.4 feet) from any lot line,
  - (d) not consisting of any animal matter (meat, dairy, feces, bones, or animal fats),
  - (e) kept free of pests, such as rodents, vermin, termites and injurious insects or any condition that may promote an Infestation, and
  - (f) not producing an offensive odor.
- 2.23. No Owner shall allow more than 1 Compost pile, either open or in a container, per property

### **Drainage**

- 2.24. Every Owner shall ensure that roof drainage is not discharged directly onto sidewalks, stairs or neighbouring property.
- 2.25. Every Owner shall ensure that their 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.

## **Section 3 – Administration, Enforcement and Right of Access**

### **Administration and enforcement**

- 3.1. This by-law shall apply to all property within the limits of the Municipality of South Bruce and may be administered and enforced by the Municipality or an Officer

### **Entry to land**

- 3.2. An Officer, upon producing proper identification, may enter on and inspect any land, at any reasonable time, without a warrant, for the purposes of carrying out an inspection determine:
  - (a) whether or not this by-law is being complied with; or
  - (b) whether an order made under this by-law is being complied with.

### **Inspection**

- 3.3. Where an inspection is conducted by the Municipality, the Officer conducting the inspection may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the

- purpose of making copies or extracts;
- (c) require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and
- (d) 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.

### **Order**

- 3.4. Where an Officer determines that there has been a contravention of this by-law, the Officer may cause a written order to be served to the Owner, occupant, or other Person responsible for the maintenance of the property, directing that the land be brought back into compliance with the requirements of this by-law within a defined time-period, minimum of four (4) days from time of service. Every Person shall comply with an order.
- 3.5. An order prescribed in section 3.4 shall state:
  - (a) the municipal address or the legal description of the property;
  - (b) reasonable particulars of the work required to gain compliance with this by-law; and
  - (c) the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out work at the Owner's expense.

### **Service**

- 3.6. Service of any document, including an order, under this by-law may be given in writing in any of the following ways and is effective:
  - (a) when a copy is hand-delivered to the Person to whom it is addressed;
  - (b) on the 5th day after a copy is sent by regular or registered mail to the Person's last known address;
  - (c) by email to the last known email address of the Person to whom service is required to be made; or
  - (d) by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relates and shall be deemed to be sufficient service on the Owner.

### **Remedial work**

- 3.7. Where an order has been sent pursuant to this by-law, and the requirements of the order have not been complied with within the defined time-period, the Municipality may cause the required work to be done, by any means necessary to attain compliance with this by-law, at the expense of the Owner.
- 3.8. For the purpose of section 3.7 of this by-law, employees or agents of the Municipality may enter the property at any reasonable time, without a warrant, in order to cause the required work to be done.
- 3.9. The Municipality 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 the Municipality's Fees and Charges By-law, as amended, and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

### **Obstruction**

- 3.10. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer in the exercise of a power or the performance of a duty under this by-law.

## Section 4 – Penalty, Severability, Force and Effect

### Offence

- 4.1. Every Person who contravenes a provision of this by-law, including an order issued under this by-law, is guilty of an offence
- 4.2. If a corporation has contravened a provision of this by-law, including an order issued under this by-law, every director and Officer of the corporation who knowingly concurred in such a contravention is guilty of an offence.

### Continuing offence

- 4.3. Each day on which a Person contravenes any provision of this by-law, including an order issued under this by-law, shall be deemed to constitute a separate offence under this by-law.

### Multiple offence

- 4.4. For the purposes of this by-law, “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.

### Subsequent offence

- 4.5. For the purposes of this by-law, an offence is 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.

### Penalty

- 4.6. Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- 4.7. Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, is liable to the following penalties:
  - (a) Upon a first conviction, to a fine of not less than \$300 and not more than \$50,000;
  - (b) Upon a second or subsequent conviction, 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 \$300.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
  - (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$300.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

### Prohibition order

- 4.8. 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.

### Fees and charges

- 4.9. Council may impose fees and charges to recover costs in relation to the administration and enforcement of this by-law.

## Section 5 - Enactment

### 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. The same shall not affect the validity or enforceability of any other provisions of this by-law or of the by-law as a whole.

### Enactment

- 5.2. That this by-law shall come into full force and effect immediately upon the passing thereof.
- 5.3. That By-law No. 2009-41, By-law No. 2016-54 and By-law No. 2020-14 are hereby repealed.

**That this By-Law be Read, Enacted, Signed and Sealed this 10<sup>th</sup> day of March, 2026.**

**By signing this by-law on March 10, 2026, Mayor, Mark Goetz, will not exercise the power to veto this by-law.**

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Mark Goetz, Mayor  
Seal.

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Vivian Kennedy, Clerk