

BY-LAW NUMBER 2013-19

CLEAN YARD BY-LAW

**A By-law to establish Community Standards respecting yards,**

***Refuse, environmental hazards, and Nuisances in the Town of Grand Valley.***

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 purpose of exercising its authority under that or any other Act;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, and authorizes municipalities to pass by-laws within their respective spheres of jurisdiction;

AND WHEREAS Sections 23.1, 23.2, 23.3 and 23.5 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorize a municipality to delegate certain powers and duties;

AND WHEREAS Section 122 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate and require *Owners* and occupants of land to remove snow from roofs and sidewalks, and recover the costs for removing the snow and ice;

AND WHEREAS Section 123 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate with respect to cliffs, pits, deep waters and other dangerous places for the purpose of public safety;

AND WHEREAS Section 124 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate the operation of a pit or quarry;

AND WHEREAS Section 126 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate cultural, recreational, and educational events including public fairs;

AND WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate and require *Owners* and occupants of land to clean and clear *Refuse* or debris from the land, for defining "*Refuse*", and for prohibiting the *Depositing of Refuse* or debris on land without the consent of the *Owner* or occupant;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to prohibit or 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 129 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to prohibit or regulate with respect to odour, dust and outdoor illumination;

AND WHEREAS Section 131 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a local municipality to prohibit or regulate the use of any land for the storage of used *Motor Vehicles* for the purpose of wrecking, dismantling or salvaging parts from them;

AND WHEREAS Section 326 of the Municipal Act S.O. 2001 c.25, as amended provides that where a *Council* has the authority to direction that anything be done, the *Council* may by By-law direct that in default of it being done by the *Person* so directed, such thing be done at the *Person's* expense by recovering the expense of doing it in a like manner as municipal taxes.

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws creating an offence for a contravention of a by-law;

AND WHEREAS Section 429 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to establish a system of fines for offences under a by-law;

AND WHEREAS Section 436 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws providing that the municipality may enter on land for the purpose of carrying out inspections, to determine compliance with a by-law, direction, order, or condition of license;

AND WHEREAS Sections 444 and 445 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provide that, where a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order to discontinue or correct the contravention of the by-law;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that, where a municipality directs or requires by by-law or otherwise that a matter or thing be done, in default of it being done by the *Person* directed or required to do it, such matter or thing may be done at the *Person's* expense, and that the municipality may recover the cost of doing such thing or matter by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the *Council* of the Corporation of the of Town of Grand Valley deems standing water, rubbish and debris on lands, unkempt yards and overgrown vegetation each to constitute a *Nuisance* that could create a health and safety hazard for the public;

NOW, THEREFORE, BE IT RESOLVED THAT THE *COUNCIL* OF THE CORPORATION OF THE *TOWN OF GRAND VALLEY* ENACTS AS FOLLOWS:

## **SHORT TITLE**

The short title of this By-law is the Clean Yard By-law.

## **PART 1 DEFINITIONS**

1. In this By-law:

*Compost* means decayed organic matter used or intended to be used as fertilizer;

*Collapsed Structure* means a collapsed or partially *Collapsed Structure* or erection or an accumulation of materials, or a building or structure that is not structurally sound.

*Council* means the *Council* of the Corporation of the *Town of Grand Valley*;

*Deposit* means to throw or place or drop, and includes dump, store, accumulate, or otherwise dispose of;

*Domestic Waste* means any article, thing, matter or effluent usually but not exclusively belonging to or associated with a house or household that appears to be *Waste Material*, and for greater certainty, but not restricting the generality of the foregoing includes but is not limited to: (i) Accumulations, *Deposits*, leavings, *Litter*, remains, rubbish, trash, excluding properly maintained *Compost* piles; (ii) Refrigerators, freezers, or other appliances; (iii) Furnace, furnace parts, pipes, fittings to pipes, water or fuel tanks; (iv) *Inoperative Motor Vehicles*, boats, trailers and recreational vehicles and items, vehicle parts and accessories; (v) Paper, cartons, packaging; (vi) Furniture and crockery;

*Graffiti* means one or more letters, symbols or marks, howsoever made, that disfigure or deface a *Property* or an object located thereon, without the consent of the *Owner* of the *Property* or object on which they are placed, but does not include a Sign or a mural which has been authorized by the *Town* and approved by the *Owner*;

*Highway* means a common and public *Highway* and includes a street, avenue, parkway, lane, alley, driveway, square or place, or a bridge, trestle, viaduct or other structure forming part of a *Highway* over or across which a *Highway* passes, any part of which is designed and intended for, or used by, the general public for the passage of vehicles, and includes the whole of a road allowance under the jurisdiction of the *Town* and, except as otherwise provided, includes a portion of a *Highway*;

*Industrial Waste* means any article, thing, matter or effluent usually but not exclusively belonging to or associated with industry, commerce or manufacturing or concerning or relating to any trade, business, calling or occupation, that appears to be *Waste Material*, and for greater certainty, but not restricting the generality of the foregoing, includes but is not limited to: (a) Articles, things, matter, 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; Automotive parts, *Inoperative Motor Vehicles*, vehicle parts, mechanical equipment, mechanical parts, and accessories or adjuncts to *Motor Vehicles* and mechanical equipment; (b) Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to piping, tubing, conduits or cable; Containers of any size, type or composition; Materials resulting from, or as part of, construction or demolition projects; Rubble, inert fill; and Bones, feathers and hides;

*Inoperative Motor Vehicle* means a vehicle without an affixed valid licence plate and/or without a current validation sticker, having missing or damaged parts, including tires or glass or deteriorated or removed metal adjuncts, which prevent its lawful mechanical function upon a *Highway*;

*Litter* means debris, rubbish, filth, *Refuse* or discarded material of any kind whatsoever, and without limiting the generality of the foregoing shall include animal carcasses or droppings, furniture and household effects in a state of apparent abandonment or disrepair, inoperative mechanical devices and appliances, old or

decayed lumber, packing materials, garden *Refuse*, earth and rock fill, vehicles that are wholly or partly dismantled, wrecked or otherwise inoperative, used oil, material from demolition projects, and vehicles, machinery, equipment or materials apparently disused in their existing location; and *Collapsed Structures*.

*Motor Vehicle* includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other *Motor Vehicles* running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*;

*Noxious weed* means any plant that is designated under the *Weed Control Act*, R.S.O. 1990, c. W. 5, as amended, as a *Noxious weed* as set out in Schedule 'B' attached hereto;

*Nuisance* means any injurious, offensive, objectionable or obnoxious condition and, without limiting the generality of the foregoing, shall include a condition which is injurious, offensive, objectionable or obnoxious by reason of the disfigurement or defacement of a *Property* with *Graffiti*, or the unsightly storage of goods, wares, merchandise, *Litter* or other material, or loitering in a public place;

*Nuisance Weed* means any of the weeds set out in Schedule 'A' attached hereto, including poison ivy, ragweed, thistles or any other plant that may cause allergic reactions or health problems for individuals;

*Officer* means a municipal law enforcement *Officer*, police *Officer*, or other *Person* appointed by by-law to enforce the provisions of this By-law;

*Owner* includes with respect to land or *Property*, the registered *Owner*, occupant, tenant, or the *Person* for the time being managing or receiving the rent of the *Property* whether on his own account or on an account of an agent or trustee of any other *Person*, or any of the aforesaid;

*Person* includes an individual, an *Owner*, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a *Person* to whom the context can apply according to law and the singular shall include the plural;

*Private Property* means land or *Property* that is privately owned and is not *Town Property* or *Property* of a local board or *Property* of the County of Dufferin or *Property* of any of the Crown in Right of Ontario, the Crown in right of Canada or any emanations thereof;

*Property* means a Building or Structure or part of a Building or Structure, and includes the lands and any premises appurtenant thereto and all mobile homes, mobile Buildings, mobile structures, outbuildings, Fences, and erections thereon and includes vacant *Property*;

*Public Event* is a cultural, recreational or educational event including public fairs to which the public is invited and requiring the approval of more than one agency or authority including but not limited to matters respecting health, parking, noise, building, lottery licensing, LCBO, TSSA, fire, police, and traffic;

*Refuse* means *Domestic Waste*, *Industrial Waste*, *Collapsed Structures* garbage and *Litter*;

Residential Area means those areas zoned residential in the Corporation of the *Town of Grand Valley* Zoning By-laws, and any amendments thereto, passed pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13.

Residential *Property* means any land or *Property* within a Residential Area or which is used in whole or in part for human habitation and the plural shall have the corresponding meaning.

*Stagnant Water* means non-flowing, uncirculated, motionless, or stale water that has remained in a location for a period exceeding seven (7) days;

*Town* means the Corporation of the Town of Grand Valley;

*Waste Material* means material or effluent that has been discarded or abandoned, appears to be of no use or value, or is worn out in whole or in part;

## **PART 2 – CLEAN YARDS & REFUSE**

### **Removal of Refuse**

2. Where on any grounds, yard, or vacant lot, there is *Refuse* the *Owner* of the *Property* shall remove such *Refuse* from the land so that the land is left in a clean condition.

### **Deposit of Refuse and Littering**

3. No *Person* shall throw, place or *Deposit Refuse* or cause or permit *Refuse* to be placed upon:
  - (a) *Private Property*, without the consent of the *Owner* of the *Property*;
  - (b) *Town Property* without the written consent of the *Town*;
  - (c) the *Property* of the County of Dufferin or of a local board without the written consent of the County of Dufferin or the local board; or
  - (d) a *Highway*.

### **Discarded Appliances and Curbside Collection**

4. No *Person* shall place or cause or permit a discarded appliance, *refuse*, *domestic waste* or *litter* to remain on *Private Property* or on public *Property* for curbside collection for more than 24 hours prior to pick-up, and all appliances shall have the hinges and latches, or lid or doors of the unit removed or properly secured to prevent entry. Any appliance, *refuse*, *domestic waste* or *litter* not picked-up shall be removed within 24 hours of the scheduled pick-up time

### **Dumping, Disposing, Storing Refuse**

5. (1) No *Person* or *Owner* of *Property* shall use any land or *Property* within the *Town* for a dumping ground or disposing or storing or keeping of *Refuse* of any kind.
  - (2) Subsection 6(1) does not apply to:

- (a) land designated by a by-law of the *Town* for the purpose of dumping or disposing of *Refuse* of any kind;
- (b) *Property* used by the *Town* or County of Dufferin for the purpose of dumping or disposing of *Refuse* of any kind; or
- (c) *Refuse* collection or disposal in accordance with any Act or by-law, or otherwise permitted in this by-law.

### **Composting**

6. No *Person* or *Owner of Property* shall:

(a) store *Compost* on a Residential *Property* unless it is properly contained in an enclosed commercial drum or container designed for *Composting* with a tight fitting lid or enclosed on all sides in a structure with a maximum height of 1.5 metres (5 feet) and covered with a top to prevent the escape of odours or the entry of pests;

(b) *Compost*, keep or cause or permit animal feces, animal parts, or animal meat to be *Composted* or kept; and

(c) keep *Refuse*, garbage receptacles, or a *Compost* container in such a manner that it becomes a *Nuisance* by creating offensive odours or attracting pests.

### **Charity Collection Sites**

7. Every *Owner* of land upon which one or more receptacles for the collection of donated goods for charitable purposes are located shall ensure the charity collection site is kept in a clean and orderly condition.

## **Part 3 - HEALTH & SAFETY HAZARDS**

### **Long Grass and Nuisance Weeds**

8. (1) Every *Owner* of land shall cut and maintain grass to a height not exceeding 20 centimetres(8 inches) from April 1st until November 1st of each year

(2) The provisions of Subsection (8.1) shall not apply to: farmland, pasture, or land in current crop production; grass outside the urban boundaries as defined in the *Town's* Official Plan, except the area between the front of the dwelling and the municipal road but excluding any cultivated lands;

(c) open space areas designated by the *Town*; reforested lands; naturalized areas or parts within a park in its natural state; golf courses; and lands adjacent to major roadways under the direction and control of a parks, conservation, or *Highway* authority.

### **Noxious weeds**

9. Every *Property* shall be kept free of *Noxious weeds* pursuant to the Weed Control Act and *Nuisance weeds* and weed seeds.

## **Snow and Ice Removal**

10. (1) Every *Owner* or occupant of buildings shall remove icicles from the roofs of the buildings within 24 hours after the formation of ice.
- (2) The *Town* may enter at any reasonable time upon land to remove:
  - (a) icicles from the roofs of unoccupied buildings;
  - (b) snow and ice from private sidewalks and access routes between a *Highway*, including a *Highway* of an upper-tier municipality and the Province of Ontario, and the main entrance of a commercial, industrial, institutional, Multiple Dwelling, or rental building accessible to the public within 24 hours after a snowfall or the formation of ice; and
  - (c) snow and ice on ramps and access routes to garages; parking areas; and laneways.

## **Stagnant Water**

11. No *Person* or *Owner* of a *Property* shall cause or permit the collection of *Stagnant Water* on any *Property*. Where on any *Property*, there is any collection of *Stagnant Water* or surface water or any depression, excavation, pool, pond, declivity, or object containing *Stagnant Water*, the *Owner* of the *Property* shall remove such *Stagnant Water* by draining it or implementing a strategy for reducing mosquito breeding approved by an *Officer* for the prevention of West Nile virus.

## **Unprotected Wells, Holes, Pits**

12. The *Owner* of any *Property* whereon there is an unprotected well, pit, hole or cavity over one (1) metre (3.28 feet) in depth shall fill or cover the unprotected well, pit, hole, or cavity.

## **Pits, Quarries Not in Operation**

13. (1) No *Owner* of a pit or a quarry that has not been in operation for a period of 12 consecutive months shall fail to level and grade the floor and sides of it and the area beyond the edge or rim to a minimum width of 10 metres (32.8 feet).
- (2) Subsection (1) does not apply to a pit or a quarry, as defined in the Aggregate Resources Act, R.S.O. 1990, c. A.8, located in a part of Ontario designated in a regulation under subsection 5 (2) of that Act.

## **Deep Water and Dangerous Precipices**

14. (1) The *Owner* of *Property* within the *Town* upon which there are man-made precipices, bodies of water and dangerous places shall: when required by the *Town*, fill in or drain the area and keep it filled or drained at all times and/or enclose the dangerous area with a safety fence approved by an *Officer*.

## **Part 4 – ENVIRONMENTAL NUISANCES**

### **Dust**

15. No *Person* shall cause or permit dust or other airborne matter to escape the *Property* owned or occupied by the *Person* in such excess that it is injurious to any *Person* or creates a hazardous condition. Every *Owner* of land shall take reasonable precautions to control or prevent dust or other airborne matter from escaping the *Property* of the *Owner* in such excess that it is injurious to any *Person* or creates a hazardous condition.

### **Odour**

16. No *Person* or *Owner* of a *Property* shall keep:
- (a) *Refuse*, garbage Receptacles, animal excrement, or a *Compost* container or open *Compost* pile in such a manner that it becomes a *Nuisance* by creating offensive odours or attracting pests;
  - (b) any substance or materials stored in such a manner that it becomes a *Nuisance* by emitting offensive odours.
17. The provisions of Sections 15, 16, and 19 to this By-law shall not prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, S.O. 1998, c. 1, as amended, from carrying out a “normal farm practice” as defined by that Act.

### **Outdoor Illumination**

18. (1) No *Owner* of a *Property* shall cause or permit an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling or onto a *Highway*.
- (2) Subsection (1) shall not:
- (a) require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted;
  - (b) require an illuminated outdoor advertising sign, on the premises of a business, to be turned off at any time the business is open to the public;
  - (c) require light fixtures used to illuminate any area for emergency, security, or public safety purposes to be turned off at any time the illumination is necessary for those purposes.

### **Public Events**

19. No *Person* shall hold a *Public Event* without first having obtained permission from the *Town*.

### **Water Discharge**

20. No *Owner* shall:

26. (1) An *Officer* may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are complied with and to enforce and carry out into effect the provisions of this By-law or any direction or order issued pursuant to the Municipal Act, 2001, S.O. 2001, c.25 or this By-law.
- (2) For the purposes of an inspection under subsection (1) the *Officer* 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; 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.
- (3) A sample taken under clause (2) (d) shall be divided into two parts, and one part shall be delivered to the *Person* from whom the sample is taken, if the *Person* so requests at the time the sample is taken and provides the necessary facilities.
- (4) If a sample is taken under clause (2) (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the *Person* from whom the sample was taken.
- (5) A receipt shall be provided for any document or thing removed under clause (2) (b) and the document or thing shall be promptly returned after the copies or extracts are made.
- (6) No *Person* shall hinder or obstruct, or attempt to hinder or obstruct, an *Officer* who is exercising a power or performing a duty under this By-law.
27. (1) If the *Officer* is satisfied that a contravention of this By-law has occurred, the *Officer* may 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, or do work to correct the contravention.
- (2) Any *Person* who contravenes an order under subsection (1) is guilty of an offence.
- (3) An order under subsection (1) shall set out, reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and the date by which there must be compliance with the order.
- (4) An order under subsection (1) shall be served upon the *Person* to whom it is directed by *Personal* service or by mailing a copy of the order by prepaid first class mail or registered mail to the last known address noted on the tax assessment roll.

(5) Service by prepaid first class mail or registered mail shall be deemed to be effective on the fifth day after the order is mailed.

(6) An order under subsection (1) may require work to be done 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.

(7) In default of any work directed or required by the *Town* under this section being done by the *Person* directed or required to do it, the matter or thing shall be done at the *Person's* expense.


(8) Where the *Town* or any authorized agent on behalf of the *Town* has performed the work required to bring about compliance with the by-law, the *Town* may recover the costs of doing anything or matter under subsection (7) by action or by adding the costs to the tax roll and collected in like manner as *Property* taxes.


(9) The costs in subsection (8) shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the *Town* incurs the costs and ending on the day the costs, including the interest, are paid in full.

(10) For the purposes of subsection (7), the *Town* or any authorized agent on behalf of the *Town* may enter upon land at any reasonable time and complete the work set out in the order.

28. If a court of competent jurisdiction should declare any section or a part of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
29. Where the singular is used it shall also mean or stand for the plural.
30. This By-law shall come into full force and effect on its date of passing.

BY-LAW read and passed by the *Council* for the *Town* of Grand Valley this 14<sup>th</sup> day of May, 2013.

  
MAYOR - John K Oosterhof

  
CLERK - Jane M Wilson

SCHEDULE "A" TO By-law No. 2013-19

*Nuisance Weeds*

COMMON NAME SCIENTIFIC NAME

Poison Ivy Conium maculatum L

Ragweed Ambrosia spp.

Scotch Thistle Onopordum acanthium L.

Sow Thistle Sonchus spp.

Bull Thistle Cirsium vulgare (Savi) Tenore

Canada Thistle Cirsium arvense (L.) Scopoli

Nodding Thistle Carduus spp.

Russian Thistle Salsola pestifer Aven Nelson

Purple Loosestrife Lythrum salicaria

Giant Hogweed Heracleum Mantegazzianum

Hemp (Stinging) Nettle Galeopsis Tetrahit

SCHEDULE "B" TO By-law No. 2013-19

***Noxious weeds***

Common Barberry

European Buckthorn

Bull Thistle

Canada Thistle

Wild Carrot

Colt's Foot

Dodder

Goat's Beard

Johnson Grass

Knapweed

Milkweed

Nodding Thistle

Poison Hemlock

Poison Ivy

Proso Millet

Ragweed

Yellow Rocket

Russian Thistle

Scotch Thistle

Sow Thistle

Cypress Spurge

Leafy Spurge

Tuberous Vetchling

Chess