

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

**BY-LAW NO. 2014-05**

**“CLEAN YARDS BYLAW”**

**WHEREAS** Sections 10(2) clauses 5 & 6, 127, 128 and 131 of the Municipal Act 2001, SO 2001 c. 25 as amended authorizes municipalities to pass by-laws for requiring the cleaning and clearing of yards, for prohibiting the depositing of refuse on private and public lands; and for prohibiting automotive wrecking yards;

**AND WHEREAS** Section 446 of the Municipal Act 2001, SO 2001 c. 25 permits a municipality to enact a by-law to require that a matter or thing be done by a person and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes;

**AND WHEREAS** it is deemed desirable to enact this by-law to extend the useful life of individual properties to enhance the quality of communities and neighbourhoods, to protect the safety, health and well-being of the public and to ensure the continued enjoyment of property for residents and property owners in the Township of Edwardsburgh/Cardinal;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. Application

This by-law shall apply to all properties within the Township of Edwardsburgh/Cardinal which are used for residential, commercial, industrial and institutional purposes.

2. Definitions:

- a) **Corporation** means the Corporation of the Township of Edwardsburgh/Cardinal;
- b) **Notice** means a notice as set out in Appendix “A” of this Bylaw.
- c) **Occupant** means the registered owner of property, tenant or occupant or person for the time being managing or receiving the rent from the property, whether on his own account or on account of an agent or trustee of any person, or any one of the aforesaid.
- d) **Officer** means a Municipal Law Enforcement Officer appointed by Council of the Township of Edwardsburgh/Cardinal, an agent and/or his or her designate assigned the responsibility for enforcing and administering this by-law.
- e) **Property** means any parcel of land or registered water lot and, without limiting the generality of the foregoing, shall mean lands and premises appurtenant to a building or structure, whether residential, commercial, industrial or institutional, and includes vacant property.
- f) **Refuse or Debris** means 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.

Without restricting the generality of the foregoing, refuse or debris may include:

- i) garbage, rubbish, junk or litter.
  - ii) excessive accumulations or piles of grass clippings, tree and garden cuttings, brush and leaves which are not part of a horticultural or composting process.
  - iii) unusable containers such as crockery, dishes, glassware, bottles, plastic containers and cans.
  - iv) discarded paper, paper products, cardboard, clothing.
  - v) discarded weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks.
  - vi) any unused, abandoned, dismantled or inoperative vehicle
  - vii) any wrecked, dismantled, discarded vehicle or automotive parts or accessories, mechanical parts, unmounted or mounted tires, accessories or adjuncts to any vehicle or mechanical equipment.
  - viii) any all-terrain vehicle, motor home, motorized snow vehicle, motorized recreational vehicle or camper, traction engine, farm or lawn tractor, road-building machine or a vehicle drawn, propelled or driven by any kind of power, including horse power or manpower, boat, watercraft or trailer or part thereof, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition unless it is necessary for the operation of a business lawfully situated on the property.
  - ix) broken concrete or asphalt pavement, patio/sidewalk slabs, unusable building materials.
  - x) 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.
  - xi) rubbish, junk, debris, objects or conditions that may create a health, fire or accident hazard.
  - xii) dilapidated, collapsed or partially constructed structures which are not currently under construction or repair.
  - xiii) discarded, dead, diseased, decayed or damaged trees or brush not neatly stacked and intended for use for heating purposes.
- g) **Repair** means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating or mending as may be required so that the property shall conform to the standards as established in this by-law.
- h) **Vehicle** means an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction vehicle, bulldozer, backhoe, excavator, grader, asphalter, earth mover, compactor, crane, lift, skid steer, generator, welder, street car or other vehicle running only on rails, motorized snow vehicle, off road vehicle, trailer, boat, bicycle, or any vehicle drawn, propelled or driven by any kind of power, including but not limited to mechanical power, muscular power or wind power.

### 3. Scope

This by-law does not apply so as to prevent a farm operation or practice meeting the definition of "agricultural operation" and "normal farm practice" under the Farming and Food Production Protection Act, 1998, SO 1998, c.1 as amended from carrying out a normal farm practice as provided for and defined under that Act.

### 4. Property Maintenance Standards

- a) Every owner, tenant or occupant of property shall maintain said property clean and free from refuse and/or debris.

Commercial waste bins or dumpsters are not permitted on residential properties bins except on a temporary basis during construction or demolition projects which have been properly permitted by the Municipality.

- b) Every owner, tenant or occupant of property shall keep the vegetation on the property clean and cleared-up. This shall mean the removal of noxious weeds from their property and the cutting of grass so that its height is maintained not to exceed a maximum of 20 cm (8 inches).

Property located in the following zones, as designated in the Township of Edwardsburgh/Cardinal Comprehensive Zoning Bylaw as amended, shall be exempt from the above provision: Environmental Protection (EP), Open Space (OS), Agricultural (A), Rural (RU) and all other zones that permit agricultural use and the land is actively used for an agricultural purpose, with the exception of the yard spaces surrounding any dwelling being a minimum of 0.2 hectares.

- c) Every owner, tenant or occupant shall keep hedges and trees adjacent to a public sidewalk, walkway or roadway cut and trimmed so as to allow safe, unhindered passage by pedestrians or vehicles.
- d) No person shall throw, place or deposit, or permit any person to throw, place or deposit, any refuse or debris as herein defined on any property within the Township of Edwardsburgh/Cardinal without the written consent of the property owner. Any person throwing, placing or depositing, or permitting any person to throw, place or deposit, refuse or debris on any property without the written consent of the owner is guilty of an offence.
- e) Every owner, tenant or occupant shall keep their property free and clear of infestations of injurious insects, termites, rodents, vermin or other pests.
- f) No owner, tenant or occupant of land shall use any land or structure in the Township of Edwardsburgh/Cardinal for storing used or inoperative motor vehicles or vehicle parts for the purpose of wrecking them or salvaging vehicle parts thereof for sale or other disposal, including the purposes of repairing other vehicles, unless the land is permitted to be used for such purposes through the Township's Comprehensive Zoning By-law and the owner or occupant holds a current and valid license from the body holding jurisdiction to permit motor vehicle salvage.

The above provisions shall not apply to owner, tenants or occupants who are actively restoring not more than two vehicles, providing that the vehicles are stored in an enclosed permanent structure and restoration work is located in such a manner so as to be screened from view by neighbouring property owners, tenants or occupants, or from adjacent roadways.

- g) No owner, tenant or occupant of land shall keep a swimming pool, hot tub, wading pool or artificial pond unless it is maintained in good repair and working condition.

## 5. Liability

Pursuant to Section 448 of the Municipal Act, SO 2001, c. 25 as amended, no proceeding for damages or otherwise shall be commenced against a member of Council or an officer, employee or agent of the municipality or a person

acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this by-law for any alleged neglect or default in the performance in good faith of the duty or authority.

6. Right of Entry

Pursuant to Section 435 and 436 of the Municipal Act, SO 2001, c.25 as amended, an officer may enter upon property, at any reasonable time, for the purpose of carrying out inspections of or on such property to determine whether or not the provisions of this by-law are being complied with.

In accordance with the provisions of Section 426(1) of the Municipal Act, SO 2001, c.25 as amended, no person shall hinder, interfere with, or otherwise obstruct, either directly or indirectly, an officer in the lawful exercise or power or duty under this by-law.

7. Administration and Enforcement

- a) When any property is not maintained to the requirements of this by-law, the officer may notify the owner, tenant or occupant, or other person responsible for the maintenance of the property, using the Notice in Appendix "A" attached hereto, directing that the property be made to comply with the provisions of the by-law within a defined period of time, but not less than 72 (seventy-two) hours from the date of the Notice. Said Notice shall be sent by registered mail to the last known address as shown on the last revised assessment rolls of the municipality, or delivered personally to the owner, tenant or occupant or person responsible for the property.
- b) Notice shall be in the form as set out in Appendix "A" to this by-law.
- c) Where a Notice has been sent pursuant to Section 7a) and the requirements of the Notice have not been complied with, the officer may order that the work be done at the expense of the owner, tenant or occupant. An Order shall be sent by registered mail to the last known address as shown on the last revised assessment rolls of the municipality, or delivered personally to the owner, tenant or occupant or person responsible for the property. The expense incurred may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes, pursuant to Section 446(3) of the Municipal Act, SO 2001, c. 25, as amended. The municipality has the option to apply a reasonable administration fee to this process should it be necessary.
- d) An Order shall be in the form as set out in Appendix "B" to this by-law.
- e) In the case of a health, safety or fire hazard, an officer may order that the hazard be removed forthwith without the Notice as described in Section 7a) being completed.
- f) In the event an officer is unable to serve a Notice and/or Order by registered mail or personally, the Notice and/or Order may be posted in a conspicuous place on the property, and the placing of the Notice and/or Order shall be deemed to be sufficient service of the Notice and/or Order on the property owner.
- g) For clarity, where the owner, tenant or occupant fails to comply with an Order issued under this by-law within the time specified for compliance, the Township in addition to all other remedies:

- i) shall have the right to enter in and upon the lands and to restore the lands and carry out remedial action specified in the Order at the owner's expense; and
- ii) shall not be liable to compensate such owner or occupant or any other person having interest in the property by reason of anything done by or on behalf of the Township under the provisions of this Section; and
- iii) where any materials or things are removed in accordance with this Section, the materials or things may be immediately disposed of by the officer and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited against costs; and
- iv) where a vehicle has been removed, impounded, restrained or immobilized according to Section 170(15) of the Highway Traffic Act, RSO 1990, as amended, in violation of this by-law, all costs associated with the removal, impoundment, restraining or immobilization will be the responsibility of the registered owner of the vehicle.

8. Offences

- a) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine pursuant to the Provincial Offences Act of not more than one hundred thousand dollars (\$100,000.00), exclusive of costs.
- b) Where this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act, SO 2001, c. 25, as amended.

9. Validity

- a) Should a court of competent jurisdiction declare a part or whole of any provisions of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law. It is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance of yards is maintained.
- b) Where a provision of this by-law conflicts with the provisions of another by-law, Act or Regulation in force within the Township of Edwardsburgh/Cardinal, the provisions that establish the higher standards to protect the health and safety of persons shall prevail.

10. Transition

- a) After the date of the passing of this by-law, Township of Edwardsburgh/Cardinal By-law 2011-82 shall apply only to those properties on which a notice or order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such order has been completed or any enforcement proceedings with respect to such order including any demolition, clearance or repair carried out by the Township shall have been concluded.
- b) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a


predecessor by-law, the process may be continued and carried out under this by-law.

11. Enactment

- a) This By-law shall come into force and take effect upon its final passage.
- b) This By-law repeals Township of Edwardsburgh/Cardinal By-law 2011-82.

Passed, signed and sealed in open Council this 27<sup>th</sup> day of January, 2014.

  
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Mayor

  
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Clerk