THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW 2023-036

Lot Maintenance By-Law

A By-law to provide for the cleaning and clearing of land; clearing of refuse, dead & decayed trees, graffiti; storage of commercial motor vehicles & recreational vehicles, and yard sales within the Town of Tillsonburg.

WHEREAS Section 8 of the Municipal Act, 2001 provides that a Municipality has the rights, powers and privileges of a natural person, for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the *Municipal Act, 2001* provides that a Municipality may pass by-laws respecting matters within the sphere of jurisdiction of Drainage and Flood Control, Waste Management, Fences, Health, Safety and Well-being of the inhabitants of the municipality;

AND WHEREAS Section 122 of the Municipal Act, 2001 provides that a local Municipality may require the Owners and occupants of buildings to remove snow and ice from the roofs of the buildings and may regulate when and how the removal shall be undertaken.

AND WHEREAS Section 122 (2) (a) (b) of the Municipal Act, 2001 provides that local Municipality may enter at any reasonable time upon Land to remove snow and ice, from the roofs of unoccupied buildings; and from private sidewalks between a highway, including a highway of an upper-tier Municipality and the Province of Ontario, and the main entrance of a building.

AND WHEREAS Section 122 (3) *of the Municipal Act, 2001* provides that a Municipality may recover the costs under clause (2) (a) incurred by the Municipality from the Owners of the buildings by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

AND WHEREAS Section 127 (a) of the *Municipal Act, 2001* provides that a Municipality may require the Owner or occupant of Land to clean and clear the Land, not including buildings, or to clear Refuse or debris from the Land, not including buildings;

AND WHEREAS Section 127 (b) of the *Municipal Act, 2001* provides that a Municipality may regulate when and how matters required under the by-law may be done;

AND WHEREAS Section 127 (c) of the *Municipal Act, 2001* provides that a Municipality may prohibit the depositing of Refuse or debris on Land without the consent of the Owner or occupant of the Land;

AND WHEREAS Section 127 (d) of the *Municipal Act, 2001* provides that a Municipality may define “Refuse” for the purpose of the by-law;

AND WHEREAS Section 128 of the *Municipal Act, 2001* provides that a 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 it is the opinion of Council that the failure to clear Refuse and debris from Land is a public nuisance, including the spread of Vermin, use of Cargo Containers, Homeless Encampment s, dead & decayed trees, Graffiti , commercial Motor Vehicle s, snow & ice on buildings, and Yard sales;

AND WHEREAS Section 391 of the *Municipal Act, 2001* provides that a Municipality may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS Section 425 of the Municipal Act, 2001, as amended, provides that a Municipality may pass by-laws providing that a person who contravenes a by-law of the Municipality is guilty of an offence;

AND WHEREAS Section 426 (1) of the Municipal Act, 2001, as amended, states that no Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act.

AND WHEREAS the Municipality may enact by-law provisions that (without limitation) impose fines, authorize orders to achieve compliance or discontinue contraventions, authorize inspections, authorize remedial work and provide for the collection of remediation costs, pursuant to Part XIV of the *Municipal Act*, including Sections 429, 435 - 438, 441.1 and 444 - 446;

AND WHEREAS the *Police Services Act, R.S.O. 1990, Section 15* authorizes the Municipality to appoint persons to enforce the by-laws of a Municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

AND WHERE Section 61 of the Provincial Offences Act, RSO 1990, c P.33, Except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than $5,000.

BE IT THEREFORE ENACTED by the Council of the Corporation of the Town of Tillsonburg as follows:

SECTION 1 - DEFINITIONS

1.1 Definitions

In this by-law, the following definitions shall apply:

"Authorized Contractor" means a person or business that is hired to perform work or provide services on behalf of the Town.

"Art Mural" means a mural depicting a scene or theme for a designated surface and location that has been approved including by the property Owner and deliberately implemented for the purposes of beautifying the specific location.

~~**"Border"** means the Cleared Land between the side and/or rear property line and a Naturalized Area or wildflower meadow.~~

~~**"Buffer Strip"** means a Border of a minimum of 3 ft. wide that delineates a wild flower meadow or Naturalized Area.~~

"**Buffer Strip**" means a minimum 3 feet wide area of Cleared Land located between the side and/or rear property line that delineates a Naturalized Area, Natural Garden, or wildflower meadow.

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"Building" means for the purposes of Graffiti removal includes but is not limited to a building, structure, object, fence, retaining wall, paved or similarly finished surface, trailer, vehicle or waste container.

"Cargo Container" means an industrial, standardized reusable vessel that was originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or

(a) designed for or capable of being mounted or moved on a ~~rail car~~railcar; and/or
(b) designed for or capable of being mounted on a chassis or bogie for movement by truck-trailer or loaded on a ship.

"Cleared" includes the removal of weeds or grass more than 20 centimetres (8 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the Lot on which the stock pile is located, and includes the draining, the treatment and/or the disposing of any stagnant water on any property ~~where there is a swimming pool~~ which is a potential health or safety hazard, or is offensive odour or is a breeding place for mosquitoes;

"Commercial Motor Vehicle " means a Motor Vehicle having attached thereto a truck or delivery body and includes ambulances, hearses, tow-trucks, motor buses, fire trucks and apparatus, motorized construction equipment, motorized farm vehicles or

equipment (including farm tractors), tractor trailers or any part thereof which are used for hauling purposes. For the purposes of this by-law shall also include transport trailers.

“Composting” means the biological degradation or breakdown of organic material into a dark soil-like material called humus;

“Composting Container” means the holding unit used to store Yard, garden and household waste for the purpose of Composting;

“**Derelict Vehicle**~~-~~**”** means any Motor Vehicle~~-~~, Commercial Motor Vehicle, Recreational Vehicle, tractor~~, trailer, truck camper, boat, demolition endurance vehicle~~, motorized snow vehicle, or any vehicle drawn, propelled or driven by any kind of power or any part thereof that is: inoperative by reason of removed wheels, battery, motor, transmission, or other equipment necessary for its operation;

(a) not in roadworthy condition;
(b) missing plates or Unlicensed for the current year;
(c) in a state of disrepair or unsightly by reason of missing door, glass or other body parts.

“Domestic Waste” means any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit that appears to be ~~waste material~~ Refuse and includes but is not limited to the following classes of ~~waste material:~~ Refuse:

(a) grass clippings, tree cuttings, brush, leaves and garden Refuse;
(b) paper, cardboard, clothing;
(c) all kitchen and table waste, of animal or vegetable origin resulting from ~~-~~the preparation or consumption of food except any material of vegetable origin placed in a Composting Container;
(d) cans, glass, plastic containers, dishes;
(e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
(f) refrigerators, freezers, stoves or other appliances and indoor furniture;
(g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
(h) ~~Unlicensed Motor Vehicle , inoperative Motor Vehicle~~Derelict Vehicle~~-~~, vehicle motor parts and accessories, vehicle tires mounted or unmounted on rims, and mechanical equipment;
(i) Rubble, inert fill, fencing materials;
(j) commercial shopping carts;
(k) anything that appears to be abandoned, worthless, worn out and of no practical value, unsightly or not properly stored inside a building;

"Fence" means:

(a) A railing, wall or line composed of posts, wire, gate, boards or pickets or any combination thereof; or
(b) Any similar structure involving similar materials or components;

designed or used to enclose or divide in whole or in part a Yard or other land, to establish a property boundary, or to provide privacy.

"Garage Sale" means the sale by an occupant of a dwelling unit, on the Owner premises, of household goods belonging to such occupant and includes Yards sales.

"Graffiti" includes one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a Building. For greater certainty, does not include an Art Mural.

"**Homeless Encampment**" means an outdoor location with a visible structure that can take many forms, such as Tents, shanties, and shacks that are not permanently attached to the ground and are being used to provide shelter for someone that has no fixed address**.**

"Human Habitation" mean a place where you eat, sleep, or reside for permanent or temporary shelter.

Industrial Waste means any article, thing, 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 that appears to be waste material and includes but is not limited to the following classes of waste material:

(a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
(b) containers of any size, type or composition;
(c) Rubble, inert fill;
(d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
(e) articles, things, matter, effluent which are derived from or are constituted from or consist of agricultural, animal, vegetable, paper, lumber or wood products, mineral, metal or chemical products whether or not the products are manufactured or otherwise processed;
(f) bones, feathers, hides;
(g) paper or cardboard packaging or wrapping;
(h) material resulting from, or as part of, construction or demolition projects;
(i) ~~Unlicensed Motor Vehicle , inoperative Motor Vehicle~~Derelict Vehicle , vehicle motor parts and accessories, vehicle tires mounted or unmounted on rims, and mechanical equipment;

“Land” includes Yards, vacant Lots, or any part of a Lot which is not beneath a building and for the purpose of this by-law includes unenclosed decks, unenclosed porches, unenclosed balconies, unenclosed carports and unenclosed garages accessory to a residential use.

“Land Registry Office” is a physical location in various cities across Ontario where you can register and search official property records using Ontario’s land registration system. These records include documents such as titles, deeds and mortgages. Documents are registered and certified in the Land Registry Office (LRO) specific to the geographic location of the property.

“Lot” means:

(a) A parcel of Land with a boundary defined by an original survey or by a registered plan of subdivision, unless such registered plan of subdivision is designed by a by-law passed pursuant to subsection 50(4) of the Planning Act, R.S.O. 1990, c.P.13; or

(b) A parcel or tract of Land with a different registered Owner (or registered Owners) of from adjacent Lands

“Motor Vehicle” includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, RSO 1990, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other Motor Vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.

“Municipal Pproperty” means property owned by or under the control of the Town of Tillsonburg or any of its agencies, boards or commissions, including public highways and Tillsonburg Hydro Inc. property.

“Municipality” shall have the same meaning as Town in this by-law.

“Natural Garden” means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, vines, ornamental grasses or combination of them consistent with a maintained and natural Landscape other than regularly mown grass but does not include a Naturalized Area.

“Naturalized Area” means native natural areas that are not typically located in a developed portion of common Yards; including but not limited to ravines, zoned open space, environmental protection or future development under the Zoning By- law.

“Obstruct” means to hinder, attempt to restrict access, intimidate, or prevent an Officer or an Authorized Contractor in the enforcement of the by-law;

"**Officer"** means a Police Officer, or Municipal Law Enforcement Officer of the Town of Tillsonburg;

"Order" means an Order to discontinue activity or ~~work Order~~Order To Comply under this by-law.

"Owner" means a registered Owner of the Land, or any Person in control of Land, including (without limitation) a lessee or an occupant thereof.

"Person" means an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, and agency; and includes an Owner.

"Private Drain" means a drain or sewer or part thereof situated on Private Property.

"Private Property" means Land owned by a private Person or party and not by the government or not for public usage.

"Rear Yard" means a rear extending across the full width of the Lot between the rear Lot line of the Lot and the nearest part of any excavation or main building on the Lot exclusive of the exterior side Yard.

"Refuse" means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include but not limited to Domestic Waste and Industrial Waste; and that Domestic Waste and/or Industrial Waste does not cease to be Refuse by reason that it may be commercially saleable or recyclable;

"Recreational Vehicle" means any vehicle used for recreational purposes such as motor homes, camping trailers, boats, snowmobiles, or any unit designed to be towed by a Motor Vehicle for the purpose of transporting materials or things.

"Rubble" means broken concrete, bricks, broken asphalt, patio or sidewalk slabs.

"Sewage" includes any liquid waste containing human, vegetable, animal or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off

"Sight Triangle" means the triangular space formed by the intersecting edge of pavement lines of a corner Lot and a line drawn from a point on one (1) of the said edge of pavement lines to a point on the other said edge of pavement line, each said point being measured a 9 m (29.5 ft.) from the point of intersection of the said edge of pavement.

"Swimming Pool" means any body of water located outdoors on a privately owned Lot, whether above or below finished grade, and whether suitable or not for swimming, diving or both, provided that such body of water:

a) is contained at least in part by artificial means;

b) has one or more points with a depth that may exceed 610 mm (24 inches); or

c) has a potential liquid surface area exceeding 2.0 metres² (21.5 feet²); and includes (without limitation) a Hydro Massage Pool but does not include any decorative pond or storm water management pond.

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"Tent" means a portable shelter designed for Human Habitation and excludes an event tent.

"Temporary Barrier" means a temporary enclosure to prevent access and secure the site.

"Town" means the Corporation of the Town of Tillsonburg;

"Unlicensed" mean the lack of a currently validated permit for the Motor Vehicle within the meaning of the Highway Traffic Act, displayed on the Motor Vehicle or Recreational Vehicle;

"Unmaintained" means failing to perform activities such as but not limited to: mowing, trimming, controlling pests/ vermin and weeds, and removing debris from the Yard.

"Vermin" include rats, ~~and~~ mice, and all other such obnoxious animals~~.~~

"Yard" means the Land within the boundary lines of a property not occupied by a principal building, if any, includes grounds or vacant property.

Section 2 GENERAL PROVISIONS

2.1 Administration – by By-law Enforcement Department

This by-law is administered by the By-law Enforcement Department of the Town.

2.2 Land –drained – Owner responsibility

Every Owner shall keep their Land drained according to the following provisions:

(a) keep all private drains in good repair; and
(b) free from depositing water or Sewage to adjacent properties unless and approved drainage plan.

2.3 Excavations – filled – exception – enclosed by barrier

Every Owner shall fill any excavation on the Land unless it is enclosed completely by a Temporary Barrier at least 1.2 m (4 ft.) in height.

2.4 Water – exceeding 0.3 m (1 ft.) – drained exception

Every Owner of excavated Lands shall ensure that accumulations of water that exceed 0.3 m (1 ft.) in depth are enclosed by a Temporary Barrier of at least 1.2 m (4 ft.) in height unless such water constitutes a storm water management pond approved by the Town.

2.5 Land - Cleared (Grass/ Water)

Every Owner shall keep their Land Cleared.

2.6 Land – clean and free of Refuse

Every Owner shall keep their Land clean and free of Refuse.

2.7 Swimming Ppool – maintained

Every Owner shall keep or maintain the water in a Sswimming Ppool in a condition which is not a health or safety hazard, or is offensive odour, or can be a breeding place for mosquitoes.

2.8 Land – removal of Refuse

Every Owner shall remove Refuse from their Land.

2.9 Refuse – containment and location

Every Owner shall ensure that all Refuse which accumulates on their property when not placed out for collection shall be in accordance with the following provisions:

(a) in containers:

i) made of rigid, watertight construction;
ii) provided with a tight-fitting cover, which may be removed only when the container is empty or is being actively loaded;
iii) maintained in good condition without holes or spillage;
iv) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
v) located in the side or Rear Yard against a building, structure, fence or retaining wall and arranged in an orderly manner.

(b) not permitted to accumulate longer than 14 days.

2.9.1 Refuse –Collection

Every Owner shall ensure that all Refuse is placed in a plastic bag or recycling bin for collection at the curb in accordance with the following provisions;

(a) Must be placed on the curbside between 8:00 p.m. the day preceding collection day and no later~~earlier~~ than 7:00 am on collection day;
(b) Must have a valid County of Oxford Garbage Bag Tag for each garbage bag;
(c) Must be located in front of the property on the boulevard no more than 1 m (3.2 ft.) from the curb or road;
(d) Garbage bags must not be torn;
(e) Torn garbage bags ~~is~~are the responsibility of the Owner to remove; and
(f) Garbage bags shall not exceed 20 kg (44 lbs.).

2.10 Refuse – contained within bins or exterior bulk storage containers

Every Owner where an exterior bin or bulk storage container disposal system with the capacity of 8 cubic Yards or less is used shall ensure that the containers are in accordance with the following requirements:

(a) equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
(b) large enough to contain all waste generated between collections by the occupants served;
(c) not loaded beyond the top of the container; and
(d) closed, ~~or~~ emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.

2.11 Graffiti – removal

Every Owner shall clean the exterior of any building, structure, erection or object on their property to remove Graffiti.

2.11.1 Graffiti – building, structure, erection or object – definition

For the purposes of sections 2.11 and 3.11, “building, structure or object” includes but is not limited to a fence, retaining wall, paved or similarly finished surface, trailer, vehicle or waste container.

2.12 Composting

All Composting shall be carried out by the Owner of the Land in accordance with the following requirements:

(a) Composting shall take place only in a container or digester

(b) Composting shall take place in the Rear Yard of a property;
(c) Composting shall be at least 0.6 m (2 ft.) from any property line;
(d) Composting shall not take place within a swale;
(e) All~~The~~ C~~c~~omposting Container(s)~~or~~ ~~or compost pile~~ or Composting pile(s) shall be no larger than 4.5 cubic meters cumulatively, in a residential zone or abutting a residential zone;
(f) A C~~c~~ompost C~~c~~ontainer ~~or pile~~ must be covered at all times, in a residential zone or abutting a residential zone, except when being emptied, or filled~~;~~.
(g) Organic materials placed in a ~~composter~~ Composting Container shall be kept covered with Yard waste, soil, or humus;
(h) The C~~c~~ompost shall emit no offensive odour, and it shall not be allowed to attract or harbour any Vermin; and
(i) The Composting shall take place on the property of the ~~Person owning~~Owner having charge of or harboring the ~~composter~~ Composting Container. ~~or compost pile.~~
~~(j) The compost shall emit no offensive odour and it shall not be allowed to attract or harbour any Vermin; and (REMOVE DUPLICATE OF (h).~~
~~(k)(j) The Composting shall take place on the property of the Person owning, having charge of or harbouring the composter or compost pile.~~

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2.13 Vermin Control

Every Owner shall ensure Land is maintained and free from Vermin or conditions that may promote an infestation at all times.

2.14 Fences

Every Owner shall ensure fences are maintained in a safe condition and in good repair.

2.15 Sight Triangle

Every Owner shall ensure hedges, plants, branches and signs located within the Sight Triangle do not exceed 0.6 m (2ft.) in height.

2.16 Garage Sale

Garage Sales shall be held in accordance with the following requirements:

(a) Only two (2) Garage Sales may be conducted per calendar year;
(b) Each Garage Sale must not exceed three (3) consecutive days;
(c) Must be during daylight hours; and
(d) Signs must be in accordance with the Town's Sign By-law.

2.17 Commercial Motor Vehicles

No Person shall use any Lot, Bbuilding or structure in a Residential or Entrepreneurial Zone for the parking or storage of any Commercial Motor Vehicle unless the vehicle is under 3.7 m (12.1 ft.) in height and under 7.0 m (23.0 ft.) in overall ~~length, and~~length and shall have a single ~~axel~~ axle.

2.18 Cargo Containers

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(a) All Cargo Containers shall be maintained in a manner that:

(i) does not create a risk to the health or safety of any Person; and

(ii) does not cause offensive odours or attract Vermin.

(b) Cargo Containers shall only be located on lands within an Industrial or Commercial Zone, except that a Cargo Container may be temporarily located on lands within a Residential Zone, provided that:

(i) the Cargo Container is located on the property for a period not exceeding thirty (30) days before or after the sale of the property; or

(ii) the Cargo Container is located on the property in support of an active construction project and shall be removed forthwith upon completion of the project.

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~~**Cargo Containers**~~

~~Cargo Containers on all Lands shall be kept in accordance with the following requirements and shall only be located in an Industrial Zone;~~

~~(a) Is only permitted on a property no more than thirty (30) days after a sale of a property or in support of an active construction project provided:~~
~~i) it will not cause risk to the health or safety of any Person;~~
~~ii) it will be maintained in such a manner as to not become offensive odour orodour or attract rodents or Vermin; and~~
~~iii) it will be removed forthwith, following completion of the project.~~

2.19 Tents

Tents are permitted on residential property provided they are kept in accordance with the following requirements;

(a) Only two (2) camps are permitted per calendar year;
(b) Each camp must not exceed ~~of~~ five (5) consecutive days;
(c) Must have access to washroom facilities~~;~~.
(d) Must only be located in the Rear Yard ~~only;~~ and
(e) Must be an invited guest from the Owner of the property.

2.19.1 Tents – Homeless Encampment

A Homeless Encampment is not permitted on Private Property ~~any Lands~~ and shall be removed by the Owner of the property within seven (7) calendar days.

2.20 Recreational Vehicle- Human Habitation

Recreational Vehicles used for Human Habitation shall be used in accordance with the following requirements;

(a) Only two (2) times per calendar year;
(b) For a period not exceeding five (5) consecutive days;
(c) Must be located on a hard surface;
(d) On a Residential Zoned property; and
(e) Must be an invited guest from the Owner of the property.

2.20.1 Storage of Recreation Vehicles

Every P~~p~~erson who stores a Recreational Vehicle in a residential zone shall comply with the following provisions:

(a) Not more than two (2) Recreational Vehicles shall be stored outside. When a Recreational Vehicle is kept on a trailer, the Recreational Vehicle and trailer shall be counted as one (1) Recreational Vehicle.
(b) The Recreational Vehicle shall not exceed ~~be~~ 3.7 m (12.1 ft.) in height measured from grade to the highest point of the Recreational Vehicle.
(c) The Recreational Vehicle must be in operable condition and not under repair/ alteration.
(d) Recreational Vehicles shall not be stored within 7.5 m (24.6 ft.) of the property line in the Front Yard and 1 m (3.28 ft.) of the property line in the Rear or Side Yard between November 1st to April 14th.

(e) Recreational Vehicles may be parked on a driveway in the front or exterior side yard between April 15th and October 31st provided they are at least 2 m (6.65 ft.) from the pavement/ road finish and 1 m (3.28 ft.) away from the backside of the sidewalk.

2.21 Trees

All Lands including vacant Lots shall be free of dead, decayed or damaged trees but not include a ~~naturalize~~ Naturalized A~~a~~rea.

2.22 Snow & Ice

Snow & Ice shall be removed in accordance with the following requirements:

(a) ~~hazards from snow & ice on buildings;~~ snow and ice accumulation on buildings, including roofs and awnings, shall be removed where it presents a risk to public safety or property.
(b) ~~storage shall not block or interfere with fire escapes;~~ stored in a manner that does not block or interfere with fire escapes; and
(c) to provide safe passage for pedestrians and motorists.

SECTION 3 - GENERAL PROHIBITIONS

3.1 Land - Cleared (Grass/ Water) - fail to maintain

No Person shall fail to keep Land Cleared.

3.1.1 Land – clean and free of Refuse - prohibited

No Person shall fail to keep Land free of Refuse.

3.2 Land – not drained –from Land – prohibited

No Person shall fail to keep Land drained in accordance with Section 2.2 of this by-law.

3.3 Excavation – failure to enclose – prohibited

No Person shall fail to enclose an excavation with a Temporary Barrier at least 1.2 m (4 ft.) in height.

3.4 Water – deep exceeding 0.3 m (1 ft.) – failure to drain – prohibited

No Person shall fail to drain an accumulation of water exceeding 0.3 m (1 ft.) in depth.

3.5 Private Property – Refuse –deposit on

No Person shall deposit Refuse on Private Property without first obtaining permission from the property Oeowner.

3.6 Town property – Refuse – deposit on

No Person shall deposit Refuse on Mmunicipal Ppproperty without lawful authority.

3.7 Water in Ssswimming Pppool – fail to maintain

No Person shall fail to maintain the water in a Ssswimming Pppool in accordance with section 2.7 of this by-law.

3. 8 Refuse – containment and location

No Person shall fail to contain Refuse or locate Refuse containers in accordance with Section 2.9 of this by-law.

3.9 Refuse –Collection

No Person shall fail to dispose of Refuse in accordance with Section 2.9.1 of this bylaw.

3.10 Refuse – contained within bins or exterior bulk storage containers

No Person shall fail to use bins or bulk storage units to contain Refuse in accordance with Section 2.10 of this by-law.

3.11 Graffiti - removal

No Person shall fail to remove Graffiti from buildings, structures, or objects on the Land in accordance with Section 2.11 & 2.11.1 of this by-law.

3.12 Composting – fail to maintain

No Person shall fail to maintain Composting in accordance with Section 2.12 of this bylaw.

3.13 Vermin Control – prohibited

No Person shall fail to keep Land free from Vermin or conditions that may promote an infestation.

3.14 Fence – fail to maintain

No Person shall fail to maintain a Ffence in a safe condition and in good repair.

3.15 Sight Triangles – fail to maintain

No Person shall fail to maintain hedges, plants, branches and or locate a sign within the Sight Triangle.

3.16 Commercial Motor Vehicle - prohibited

No Person shall allow a Commercial Motor Vehicle in a Residential or Entrepreneurial Zone.

3.17 Cargo Containers – prohibited

Every person shall keep Cargo Containers according to the requirements set out in Section 2.18 of this by-law.

3.18 Tents – prohibited

Every person shall keep Tents according to the requirements set out in section 2.19 of this by-law.

3.19 Tents – Homeless –prohibited

No Person shall permit a Homeless Encampment on Private Property.

3.20. Recreational Vehicle- Human Habitation - prohibited

No Person shall permit a Recreational Vehicle for Human Habitation except in accordance with the requirements in Section 2.20 of this by-law.

3.21 Storage of Recreation Vehicles

Every Pperson shall keep the storage of Rrecreational Vvehicles according to the requirements set out in section 2.20.1 of this by-law.

3.22 Trees – removal

No Person shall allow dead, decayed or damaged trees on Land.

3.23 Snow & Ice – fail to maintain

Every Pperson shall maintain snow & Ice in accordance with the requirements set out in Section 2.221 of this by-law.

3.24 Obstruct of Officer – prohibited

No Person shall Obstruct an Officer in the enforcement of this by-law.

3.24.1 Obstruct Authorized Contractor – prohibited

No Person shall Obstruct an Authorized Contractor working under the direction of an Officer.

3.25 Contravention of Order

No Person shall fail to comply with a Work OrderOrder To Comply or an Order to Discontinue Activity.

SECTION 4 - EXEMPTIONS

4.1 Excavations – construction site – exemption

Section 2.3 of this by-law does not apply to Land on which construction is proceeding under a valid building permit.

4.2 Swimming Ppools – natural bodies of water – exemption

Section 2.4 of this by-law does not apply to natural bodies of water or lawfully maintained Sswimming Ppools.

4.3 Naturalized Areas – exemption

Naturalized Areas must be in accordance with the following requirements:

(a) Section 2.5.1 of this By-law does not apply to a Naturalized Area:;Area.
(b) Any portion of a Lot that was originally developed, graded, and Llandscaped shall not be permitted as a Naturalized Area in oOrder to circumvent Section 2.5.1; and
(c) Shall not encroach within the Bbuffer Sstrip.

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4.4 Natural Gardens – exemptions

All Natural Gardens are permitted, but must be in accordance with the following requirements:

(a) Shall not be left ~~in an~~ Unmaintained. ~~state;~~
(b) Does not encroach above or onto any adjacent property~~;~~.
(c) Where any Natural Garden is located within a Sight Triangle it must not be between ~~the~~ 0.6 m (2 ft.) and 3 m (9.8 ft.) in height; and
(d) Shall not encroach within the B~~b~~uffer S~~s~~trip.

4.5 Containment and location – exemption

Section 2.9 of this by-law does not apply to Land on which construction is proceeding under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control Area By-law has been obtained that includes containment and location of garbage.

4.6 Contained within bins or exterior bulk storage containers – exemption

Section 2.10 of this by-law does not apply to Land on which construction is proceeding under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control Area By-law has been obtained that includes containment and location of garbage.

SECTION 5 - INSPECTION

5.1 Officer – entry to inspect

An ~~Municipal Law Enforcement~~ Officer designated to perform inspections pursuant to this by-law may, at all reasonable times, enter onto Land for the purposes of inspection of the Land.

5.2 Town – bring property to compliance

Where the Town proceeds pursuant to section 9.4 of this by-law, an ~~Municipal Law Enforcement~~ Officer may enter onto the Lands accompanied by any Person under ~~his or her~~ their direction, and with the appropriate equipment as required, to bring the property into compliance with this by-law.

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SECTION 6 - ORDER TO DISCONTINUE ACTIVITY & ~~WORK ORDER~~ ORDER TO COMPLY

6.1 Order to Discontinue Activity

If an ~~Municipal Law Enforcement~~ Officer is satisfied that this by-law has been contravened, the Officer may make an Order, known as an Order to Discontinue Activity, 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 contravention.

6.2 Order to Discontinue Activity - particulars

An Order to Discontinue Activity shall set out:

(a) The municipal address of the property or legal description of the Land on which the contravention occurred;
(b) The date of the contravention;
(c) The reasonable particulars of the contravention of the by-law; and
(d) a deadline, being a specific date, for compliance with the ~~Work~~ Order.

6.3 Order to Discontinue Activity - service

The Order to Discontinue Activity may be served personally on the Pperson to whom it is directed, sent by e-mail, or sent by regular mail to the last known address of that Pperson, in which case it shall be deemed to have been ~~given~~ served on the fifth day after it is mailed. Service on a corporation can be ~~effected~~affected by registered mail to the corporate mailing address.

6.4 ~~Work Order~~Order To Comply – contravention of by-law

If an ~~Municipal Law Enforcement~~ Officer is satisfied that a contravention of the by-law has occurred, the ~~Municipal Law Enforcement~~ Officer may make an Order, known as a ~~Work~~ Order To Comply, 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 the work to correct the contravention.

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6.5 ~~Work Order~~Order To Comply - contents

The ~~Work Order~~Order To Comply shall set out:

(a) The municipal address of the property or legal description of the Land on which the contravention occurred;

(b) Tthe date of the contravention;
(c) Tthe reasonable particulars of the contravention of the by-law;
(d) Tthe date by which there must be compliance with the ~~Work~~ Order To Comply; and
(e) A~~a~~ notice that if the work is not done in compliance with the ~~Work~~ Order To Comply by the deadline, the Town may have the work done at the expense of the Owner and the cost of the work may be recovered by adding the amount to the Owner's tax roll.

6.6 ~~Work Order~~Order To Comply – service

The ~~Work Order~~Order To Comply may be served personally on the P~~p~~erson to whom it is directed, sent by e-mail, be posted on the property in violation, or be sent by regular mail to the last known address of that P~~p~~erson, in which case it shall be deemed to have been ~~given~~ served on the fifth day after it is mailed. Service on a corporation can be ~~effected~~affected by registered mail to the corporate mailing address.

~~**6.7 Work Order – unable to effect service**~~

~~If the Town is unable to effect service on the Owner under section 6.6, it shall place a placard containing the terms of the Work Order in a conspicuous place on the Land and may enter on the Land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Work Order.~~

SECTION 7 - NOTICE – WAYS TO CONTACT

Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:

(a) O~~o~~n the date on which a copy is delivered to the Person to whom it is addressed;
(b) O~~o~~n the third day after a copy is sent by registered mail to the Person's last known address;
(c) U~~u~~pon the conclusion of the transmission of a copy by facsimile to the Person's last known facsimile number; or
(d) U~~u~~pon the sending of a copy by email transmission to the Person's last known email address.

~~(d)~~(e) On the date on which a copy is posted on the property in violation.

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SECTION 8 - ADMINISTRATION, ENFORCEMENT, OFFENCES, PENALTY & FINE RECOVERY

8.1 Offence - Penalty – set fines

Every Person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a penalty pursuant to s. 61 of the Provincial Offences Act.

8.2 Penalty – Maximum Provincial Offences

Every Person who contravenes any provision of this By-law is guilty of an offence under the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding $5,000, exclusive of costs, subject to the provisions of the Act.

8.3 Authority to Establish Fines – Municipal Act

Every Person who contravenes any of the provisions of this By-law is guilty of an offence and, pursuant to Section 429 of the Municipal Act, 2001, c. 25, as amended all contraventions of this By-law are designated as continuing offences.

8.4 Fines Transferred to Taxes

Pursuant to section 441.1 of the Municipal Act, upon the request of a Municipality that has entered into a transfer agreement under Part X of the *Provincial Offences Act*, the treasurer of a local Municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the tax roll for any property in the local Municipality for which all of the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

8.5 Continuation – repetition – prohibited – by Order

The court in which a 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.

SECTION 9 - FAIL TO COMPLY & COST RECOVERY

9.1 Fail to Comply

Where a Person defaults in complying with a direction, requirement or Order under this By-law to do a matter or thing, the ~~Municipal Enforcement~~ Officer may, with such

assistance from others as may be required, enter the Land on which the contravention occurred at any reasonable time, and carry out such direction, requirement or Order and all expenses will be the responsibility of the Person.

9.2 Recover Costs

In accordance with section 446 of the Municipal Act, the Town may recover the costs from the Person directed, required or ordered to do a matter or thing under this By-law, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, and such expenses shall include interest at a monthly rate of 1.25 percent and or annual rate of 15 percent.

(a) For the purposes of subsection 9.2, interest shall be calculated for the period commencing the day the Town incurs the expenses and ending on the day the expenses, including the interest, are paid in full.

9.3 Land Registry – Register Lien

The amount of the expenses, including interest, constitutes a lien on the Land upon the registration in the proper Land Registry Office of a notice of lien.

9.3.1 Land Registry –Discharge Lien

Upon receiving payment of all expenses payable plus interest accrued to the date of payment, the Town shall register a discharge of the lien in the proper Land Registry Office.

9.3.2 Land Registry - Fee

The ~~Person~~ Owner will be responsible ~~to pay~~for paying the fee under the Rates & Fees By-law for the registration and discharge from the Land Registry Office.

9.4 Removal

Where any of the matters or things are removed in accordance with section 9.1 of this by-law, the matters or things may be immediately disposed of by an ~~Municipal Law Enforcement~~ Officer or Person assisting with the cleanup.

SECTION 10 - FEES AND CHARGES

10.1 Authority

All expenses will be recovered with interest in relation to the administration and enforcement of this By-law under The Municipal Act 2001, S.O. 2001, c. 25, as amended Section 446 (3) & (5).

10.2 Recovery - Staff Time

Where action is required on ~~the~~ behalf of the Town, the Owner~~Person~~ responsible will pay rates calculated under the Rates & Fees By-law for each staff ~~members~~ member's time accumulated.

10.3 Cost of Orders & Administrative Fees

The Owner~~Person~~ will be responsible ~~to pay~~for paying rates calculated under the Rates & Fees By-law for the cost of Orders and administrative fees.

SECTION 11 - SEVERABILITY

In the event that any provision or part of this By-Law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-Law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

SECTION 12 - SHORT TITLE

This By-law may be cited as the "Lot Maintenance By-Law"

SECTION 13 - REPEALED BY-LAWS & FORCE IN EFFECT

That By-law 3810 and Amending By-Laws 2021-085 and 2021-092 be and are hereby

repealed;

That this by-law shall come into force and take effect on the date it is passed.

READ A FIRST AND SECOND TIME THIS 27th day of MARCH, 2023.

READ A THIRD AND FINAL TIME AND PASSED THIS 27th day of MARCH, 2023.

MAYOR – Deb Gilvesy

CLERK – Tanya Daniels