

**THE CORPORATION OF  
THE TOWNSHIP OF BONNECHERE VALLEY  
BY-LAW NO. 2024-029**

**Being a By-law respecting the cleaning up of yards and vacant lots in the  
Township of Bonnechere Valley**

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**Whereas** 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 127 of the Municipal Act 2001, S.O. 2001, c.25, as amended, permits a municipality may pass by-laws requiring an 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 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 land and for defining "refuse"; 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, and to ensure the continued enjoyment of property for residents and property owners in the Township of Bonnechere Valley.

**Now Therefore** the Council of the Township of Bonnechere Valley enacts as follows:

**1. Application**

This by-law shall apply to all properties within the Township of Bonnechere Valley that are used for residential, commercial, industrial and institutional purposes.

**2. Definitions:**

- (a) "***boulevard***" means the area between the right of way limit and the curb. Also referred to as "road edge" in this document. See also "inner boulevard" and "outer boulevard".
- (b) "***Corporation***" means the Corporation of the Township of Bonnechere Valley
- (c) "***inner boulevard***" means that portion of the road edge between the curb and the sidewalk.
- (d) "***Notice***" means a notice as set out in Appendix "A" of this Bylaw;
- (e) "***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;

- (f) **"officer"** means a Municipal Law Enforcement Officer or Property Standards Officer appointed by Council of the Township of Bonnechere Valley an agent and/or his or her designate assigned the responsibility for enforcing and administering this by-law;
- (g) **"outer boulevard"** means that portion of the road edge between the sidewalk and the right of way limit.
- (h) **"Order"** means a notice as set out in Appendix "A" of this Bylaw;
- (i) **"property"** means any parcel of land or registered water lot and, without limiting the generality of the foregoing, shall mean lands and /or premises appurtenant to a building or structure, whether residential, commercial, industrial or institutional, and includes vacant property;
- (j) **"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 appliances such as stoves, micro wave stoves, refrigerators, freezers 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) any refuse or debris, or any other materials, 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;
- k) "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;
- l) "right-of-way"** means the corridor of land owned by a municipality within which a road is located. This includes the road pavement and boulevards on either side.

**m) "vehicle"** means an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction vehicle, bulldozer, backhoe, excavator, grader, asphalt, 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.

**n) "vegetation"** is an assemblage of plants, plant species, shrubs, trees and ground cover

### **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. General Standards**

a) Every owner, tenant or occupant of property shall maintain said property clean and free from refuse and/or debris and stored or accumulated objects or materials that create a nuisance or are unsightly.

b) Every owner, tenant or occupant of property shall keep the grass and vegetation on the *property* maintained so that its height is maintained not to exceed a maximum of 15 cm (6 inches) but does not include edible crops and, to be free from any overgrowth of plants deemed objectionable such as, but not exclusive to the following: dandelions, ragweed, thistles, burdocks, wild parsnip and/or any other plants that may commonly be described as a *nuisance plant*. Any noxious weeds must be controlled and or removed from the *property* as required by the Provincial "Weed Control Act".

c) Grass or improved surfaces adjacent to a private property, within the road allowance, between the private property and the road curb line or road edge of pavement referred to as the inner or outer boulevard shall be maintained in a state of good repair as set out in this by-law by the owner, tenant or occupant of the private property, and kept in a clean, clear and safe condition. Property located in the following zones, as designated in the Township of Bonnechere Valley Zoning Bylaw as amended, shall be exempt from the above provision: Agricultural (A), Rural (R), Environmental Protection (EP), Open Space (OS), and any exception zones to these zones.

d) Every owner, tenant or occupant of property shall keep hedges, shrubs and trees adjacent to a public property, private property or roadways cut and trimmed so as not to encroach onto the adjacent property. This shall include removal of droppings from any hedge, shrub, tree or grass clippings.

e) 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 Bonnechere Valley without the written consent of the property owner, and only then in accordance with this by-law.

f) Every owner, tenant or occupant shall keep their property free and clear of infestations of injurious insects, termites, rodents, vermin or attract other pests including wildlife but, does not include attracting birds and bees.

g) No owner, tenant or occupant of land shall use any land 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 Townships Comprehensive Zoning By-

law and the owner or occupant holds a current and valid license 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.

h) 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.

i) No owner or occupant shall permit water discharge from roofs, land, sumps, buildings or pool drainage onto a neighbouring property.

## **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 and 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, by issuing a Notice (Appendix A - Notice) advising of the violation and requiring that the property comply with the provisions of the by-law within a specified period of time, but not less than 48 (forty eight) hours from the date of the Notice. Said Notice shall be posted on the property, delivered personally to the owner, tenant or occupant or person responsible for the property or sent by registered mail to the last known address of the registered owner as shown on the last revised assessment rolls of the municipality.
- b) Where a Notice has been issued pursuant to Section 7a) and the requirements of the Notice have not been complied with, the officer may issue an Order (Appendix A - Order) that corrective action must be completed within a specified time frame.
- c) If the owner, tenant or occupant or person responsible for the property fails to comply with the Order by the specified date the municipality may take corrective action to bring the property into compliance with the bylaw. The total expense incurred to bring the property into a state of compliance with the by-law may be recovered by action or by adding the costs of the repairs and other associated costs to the tax roll and collecting the costs in the same manner as real property 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 issued under section 7 b) shall be sent by registered mail to the address as shown on the last tax assessment roll of the municipality or delivered personally to the owner, tenant, occupant or person responsible for the property.
- e) In the case of a health, safety or fire hazard, an officer may Order that the hazard be removed forthwith without issuing a Notice under Section 7a).
- 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 by so placing the Notice and/or Order it shall be deemed to be sufficient service of the Notice and/or Order on the property owner.
- g) Where the owner, tenant or occupant fails to comply with an Order issued under section 7 b) of this by-law, the Township in addition to all other remedies:
  - i) shall have the right to enter upon the lands to repair the lands and carry out corrective action to achieve compliance with the bylaw, at the owner's expense;
  - ii) shall not be liable to compensate such owner, tenant 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) Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to the penalties as provided for in the Provincial Offences Act, R. S. O. 1990, c. P. 33 as amended.
- b) A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$200.00 and a maximum fine of \$10,000.00 and the total of all of the daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)2 of the Municipal Act, 2001, S.O 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 survives 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 bylaw, Act or Regulation in force within the Township, the provisions that establish the higher standards to protect the health and safety of persons shall prevail.

10. **Short Title**

This By-law shall be sited as the “Clean Yards Bylaw”

11. **Repeal Previous By-Law**

That By-Law 2012-042 is hereby repealed.

12. **Enactment**

This By-law shall come into full force and effect on the day of its passing

READ A FIRST & SECOND TIME THIS 5<sup>TH</sup> DAY OF JUNE 2024

READ A THIRD TIME AND PASSED THIS 5<sup>TH</sup> DAY OF JUNE 2024

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Jennifer Murphy, Mayor

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Annette Gilchrist, CAO

## SCHEDULE "A"

**TOWNSHIP OF BONNECHERE VALLEY  
BY-LAW NUMBER 2024-029 – TITLE: Clean Yards By-Law –  
Set fines for use under Part 1 of the Provincial Offences Act**

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>OFFENCES SECTION</b>	<b>FINE AMOUNT</b>
1	Fail to comply with Order	Section 7 b)	\$ 200.00
2	Obstruct an officer in the lawful exercise of duty	Section 6	\$ 200.00

\*Note: Penalty provision for the offences indicated is Section 8 a) of By-law 2024-029 a certified copy of which has been filed.