

THE CORPORATION OF LOYALIST TOWNSHIP

BYLAW NO. 2005-38

A BYLAW TO ENSURE THAT YARDS WITHIN LOYALIST TOWNSHIP ARE MAINTAINED IN A CLEAN, TIDY AND ORDERLY MANNER

WHEREAS the Municipal Act, 2001, Part II, Section 8 provides a municipality with the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS the Municipal Act, Part II, Section 9 provides that a municipality, as part of the power to regulate or prohibit, may require persons to do things;

AND WHEREAS The Municipal Act, Part III, Section 127 authorizes a municipality to require the owner or occupant of land to clean and clear the land or to clear refuse or debris from the land and to regulate when and how matters required shall be done;

NOW THEREFORE The Corporation of Loyalist Township enacts as follows:

SECTION 1 - DEFINITIONS

- 1.1 **ACCESSORY BUILDING** shall mean a detached building, out building or structure, the use of which is incidental to the primary use of the property.
- 1.2 **INOPERATIVE CONDITION** shall mean not working or taking effect in action.
- 1.3 **OCCUPANT** shall mean any person or persons over the age of eighteen (18) years in possession of the property.
- 1.4 **OFFICER** shall mean a Provincial Offences Officer as may from time to time be appointed by Council and assigned the responsibility of administering and enforcing the provisions of this by-law.
- 1.5 **OWNER** includes the person managing or receiving the rent of, or paying the municipal taxes on, the land or premises, in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property.
- 1.6 **PROPERTY** shall mean a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, out buildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant properties.
- 1.7 **TOWNSHIP** shall mean The Corporation of Loyalist Township.
- 1.8 **UNLICENSED** shall mean without current and valid plates.
- 1.9 **YARD** shall mean the land or compound other than publicly owned land, around the appurtenant to the whole, or any part of a dwelling and used or intended to be used or capable of being used in connection with said property.

SECTION 2 - YARDS – GENERAL

No owner or occupant of any property shall cause, allow or permit any building, yard lot or grounds to be or remain in a condition contrary to the following requirements:

- 2.1 No roof drainage or sump pump drainage shall be altered so as to discharge onto sidewalks, stairs, neighbouring property, or sanitary sewer.
- 2.2 No swimming pool shall be drained onto adjacent privately owned property or into a sanitary sewer.
- 2.3 The owner or occupier of any lands shall not fill up and drain any lot or yard that creates a hazard or danger. Yards shall be maintained in a properly graded and levelled condition.
- 2.4 Every property shall be kept clean and free from termites, rodents, vermin and other pests and any conditions which might result in the harbouring of such pests.
- 2.5 All vacant lots and every yard shall be kept in a neat and tidy condition and free from:
 - a) Rubbish, garbage, waste and other debris.
 - b) Objects and conditions that are health, fire or accident hazards.
 - c) Heavy undergrowth and excessive growth of grass, weeds and other vegetation.
 - d) Wrecked, dismantled, inoperative, unused or unlicensed or invalidated vehicles, trailers, or other machinery or any part thereof, and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment.
 - e) Any accessory shed which is in dilapidated or collapsed condition or any structure which is out of character with the surrounding environment.

SECTION 3 - YARDS - INDUSTRIAL AND COMMERCIAL

No owner or occupant of any property shall cause, allow or permit any building, yard lot or grounds to be or remain in a condition contrary to the following requirements:

- 3.1 All yards shall be maintained in a properly graded and levelled condition compatible with its intended use.
- 3.2 All yards shall be maintained in a safe, clean condition free of rubbish and debris.
- 3.3 The warehousing of any stored material or equipment in the yards shall be neat and orderly so as not to create a fire or accident hazard or an unsightly condition.

SECTION 4 - ENFORCEMENT

- 4.1 Any officer or any person acting under his/her instructions may at all reasonable times and upon producing proper identification enter and inspect any yard.
- 4.2 Placarding
 - 4.2.1 A Provincial Offences Officer may cause to be placed in a prominent position on the exterior of any building located on the property which does not conform to the standards set out in this

by-law a placard in the form set out in Schedule "A" to this by-law and no person shall pull down or deface any such placard. The placing of the placard shall be deemed to be sufficient service of the Notice on the owner or other persons.

4.3 Date of Service

When a Notice has been served by a Provincial Offences Officer, the date of service shall be deemed to be the date upon which the Notice is delivered for Registered Mailing at a Post Office, or when a Notice is personally served by a Provincial Offences Officer upon any person, or upon the date of placarding of a property.

SECTION 5 - NOTICE OF NON-COMPLIANCE

- 5.1 If, after inspection, the officer is satisfied that in some respect the property does not conform to the standards prescribed in this by-law, he/she shall serve, or cause to be served, by personal service or registered mail, to the owner of the property, and all persons having an interest therein or by placarding a building on the property, a notice of non-compliance containing particulars of the non-conformity and may at the time provide all occupants with a copy of such notice.
- 5.2 The notice shall state that after a certain date to be specified in the Notice of Non-compliance by the Provincial Offences Officer, the property will be subject to a re-inspection at which time an offence notice may be issued under the provisions of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

SECTION 6 - PENALTIES

- 6.1 Every person who contravenes this by-law is guilty of an offence and, upon conviction, liable to pay a fine as set out under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- 6.2 No owner or occupant of any property shall fail to comply with any section of the Notice of Non-compliance within such time as is specified in the Notice. The Corporation of Loyalist Township:
- a) shall have the right to enter into the said property and bring it up to the standards mentioned in the Notice of Non-compliance, at the expense of the property owner, and the Township may recover the expense incurred in doing so in like manner as Municipal taxes.
 - b) may cause a prosecution to be brought against any person who is in breach of such a notice, and upon conviction such person shall forfeit and pay at the discretion of the convicting Provincial Court Judge a penalty in accordance with the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33 as amended.

SECTION 7 - VALIDITY

- 7.1 Where a provision of this by-law conflicts with a provision of another by-law in force in the municipality, the provisions that establish the higher standard shall prevail in order to protect the health, safety and welfare of the general public.
- 7.2 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with the terms to the extent possible according to law.

- 7.3 That By-law 2004-41 and any other by-laws or portions thereof conflicting with this by-law are hereby repealed.
- 7.4 This By-law may be referred to as “The Yard Cleanup By-law”.
- 7.5 This By-law shall come into force and take effect on the date of its passing.

ENACTED AND PASSED THIS 25th DAY OF APRIL, 2005.

REEVE

CLERK

SCHEDULE 'A' TO BY-LAW 2005-38**NOTICE**

This Property has been found to not be in conformity with the standards set out in the Yard Cleanup By-law, By-law No. 2005-38.

Any person who pulls down or defaces this placard is liable to the same penalty as provided in Section 6 of the Yard Cleanup By-law of The Corporation of Loyalist Township.

Dated at Loyalist Township this ____th day of _____, 200__.

(Name)
Provincial Offences Officer
386-7351, ext. 123