

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2023-012

Being a By-law to Establish Standards for the Maintenance of Lands in a Clean and Safe Condition

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25* (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 10 (1) of the Municipal Act provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public. 2006, c. 32, Sched. A, s. 8.

AND WHEREAS Section 10 (2) of the Municipal Act provides that a single-tier municipality may pass by-laws respecting the health, safety and well-being of persons, the services and things that the municipality is authorized to provide, and the protection of persons and property, including consumer protection.

AND WHEREAS Section 127 of the Municipal Act provides that a municipality may define what constitutes debris and refuse and may require the owner or occupant of land to clean and clear land, to clear refuse or debris from the land, to regulate how cleaning and clearing is to be done and to prohibit the depositing of refuse or debris without the consent of the owner or occupant of the land;

AND WHEREAS Section 128 of the Municipal Act 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 WHEREAS Section 131 of the Municipal Act provides that a municipality may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS Section 425 of the Municipal Act provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the Municipal Act, 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 Section 429 (1) of the Municipal Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS Section 429(2)(a) of the Municipal Act provides that a municipality may designate an offence as a continuing offence and provide for a minimum and maximum fine for each day or part of a day that the offence continues;

AND WHEREAS Section 436 of the Municipal Act provides that a By-law Enforcement Officer may enter upon any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

AND WHEREAS Section 446(1) of the Municipal Act provides that a municipality may direct or require a person to do a matter or thing and that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Section 446(2) of the Municipal Act provides that for the purpose of subsection (1), the Municipality may enter upon land at any reasonable time.

AND WHEREAS Section 446(3) of the Municipal Act provides that a municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

NOW THEREFORE, The Council of the Corporation of the Township of Strong hereby enacts as follows:

DEFINITIONS

In this by-law:

“access” means the ability of those with a legal right of entry onto a property or into a structure to enter onto a property or into a building without impediment. This shall include the ability of officers and emergency services to effect such entry onto a property or into a building.

“By-law Enforcement Officer” shall have the same meaning as “Municipal Law Enforcement Officer”

‘Corporation’ means the Corporation of the Township of Strong;

‘domestic waste’ means any article, thing, matter or any effluent belonging to or associated with a house or household or concerning or relating to the home or family that appears to be waste material; and for greater certain, but not so as to restrict the generality of the foregoing terms of the clause it is hereby declared that domestic waste extends to and includes the following classes of waste material:

- a. Accumulation, ash, deposits, leavings, litter, remains, rubbish, trash, and dead branches;
- b. Refrigerators, freezer, or any parts thereof;
- c. Furnaces, furnace parts, pipes, fittings to pipes, water and fuel tanks, or plumbing fixtures;
- d. Inoperative motor vehicles, trailer, vehicle parts and accessories;
- e. Paper, cartons, fabrics, or carpets;
- f. Furniture;
- g. Crockery;
- h. Sewage.

‘garbage’ has the same meanings as ‘waste material’;

‘graffiti’ means one or more letters, symbols, marks, pictorial representations, messages or slogans howsoever made on any property, but does not include a sign or traffic control marking when authorized by the Government of Canada, the Province of Ontario, the District or the Township;

‘ground cover’ means plants or shrubs characteristically forming an extensive dense growth close to the earth;

‘industrial waste’ means any article, thing, matter or any effluent belonging to or associated with industrial or commercial or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupant that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the

foregoing terms of this definition it is hereby declared that industrial waste extends to and included the following classes of waste material:

- (a) Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
 - i. agricultural, animal, vegetable, paper, lumber, or wood products; or
 - ii. mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed;
- (b) Automotive parts, inoperative motor vehicles, trailers, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicle or mechanical equipment;
- (c) Piping, tubing conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits, or cable
- (d) Containers or pallets of any size, type or compositions
- (e) Material resulting from, or as part of, construction or demolition projects;
- (f) Rubble, inert fill;
- (g) Bones, feathers, hides;
- (h) Sewage.

‘inoperative motor vehicle’ means a motor vehicle which is without a current license plate, and has its fender or fenders, hood, truck, roof, wheel or wheels or any part of its superstructure removed, or a motor vehicle which is a dilapidated condition;

‘local board’ means any school board, municipal service board, public library board, board of health, or any other board, commission, committee, or local authority established or exercising any power or authority under any general or specific Act with respect to the affairs or purposes, including school purposes of the Township or any part thereof;

“Municipal Law Enforcement Officer” shall mean a person appointed by a by-law of the Corporation to enforce municipal by-laws (MLEO);

‘Officer’ means a Municipal Law Enforcement Officer or a police officer;

‘owner’ includes the registered owner, occupant, tenant, person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on their own account or as agent or trustee of any other person who would so receive the rent if such land and premises were let, person in control of the premises or any of the aforesaid;

‘person’ means an individual, firm, proprietorship, partnership, associates, syndicate, trust, corporation, department, bureau, agency or any of the aforesaid;

‘private drain’ means a drain or sewer or part thereof situated on private property;

‘private property’ means property which is privately owned and is not Township property or property of a local board or property of any of the Crown in Right of Ontario, the Crown in Right of Canada or any emanation there;

‘property’ means land, tenements, and hereditaments or any estate or interest herein and any right or easement affecting the land;

‘refuse’ has the same meaning a ‘waste material’;

'sewage' includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste where in suspension or precipitate, but does not include roof water or storm run-off;

'Township' means the geographic entity Township of Strong;

'Township property' means any lands situated with the Township which is owned by the Corporation or controlled by the Corporation by lease or otherwise;

'waste materials' means material or effluent that, in the opinion of the MLEO

- a. appears to have been cast aside or discarded or abandoned; or
- b. appears to be worthless or useless or of no practical value; or
- c. appears to be used up, in whole or in part, or expended or worn out in whole or in part;

1. GENERAL PROVISIONS

1.1 Every owner shall ensure that their property is kept free and clear of any:

- (a) garbage, refuse, debris, ground cover, domestic waste, or industrial waste which, in the professional opinion of an officer, poses or may pose a hazard to persons, the environment, or to the access of the property;
- (b) wrecked, dismantled, abandoned or inoperable appliance, machine or derelict motor vehicle which, in the professional opinion of an officer, poses or may pose a hazard to persons, the environment, or to the access of the property;

1.2 Every owner shall keep all landscaped features used for the maintenance of soil grades and slopes in good repair.

1.3 Every owner shall keep in repair his or her private drain.

1.4 Every owner shall alter or relay the private drain as may be required by the MLEO.

1.5 No person shall throw, place or deposit refuse or debris on private property without the written consent of the owner or occupant of the property.

1.6 No person shall throw, place or deposit refuse or debris on Township property without the written consent of the Corporation, and where such property is occupied by a person other than the Corporation, without the written consent also of the occupant.

1.7 No person shall throw, place or deposit refuse or debris on the property of a local board without the written consent of the local board, and where such property is occupied by a person other than the local board, without the written consent also of the occupant.

1.8 Every owner shall provide for the sanitary disposal of sewage and drainage from their land or buildings.

1.9 Every owner shall remove all slanderous or objectionable signs, markings, graffiti or other defacement on their property to restore the surface and adjacent areas to, as near as possible, to their condition before the markings, signs, graffiti, or other defacement occurred.

- (a) Section 1.9 shall not apply to those forms of expression protected by section 2 (b) of the *Canadian Charter of Rights and Freedoms*.

1.10 No person shall use any property or structure within the limits of the Township for dumping or disposing of garbage, refuse, debris or domestic or industrial waste of any kind.

1.11 Every owner of property shall cover any permitted garbage, refuse, debris, domestic waste or industrial waste of any kind on the property in such a manner as may be prescribed by the MLEO in writing.

2. EXCEPTIONS

2.1 The restrictions in section 1 of this by-law do not apply to:

- (a) property or structures used by the Corporation for the purpose of dumping or disposing of garbage, refuse, debris or domestic or industrial waste;
- (b) property designated by a by-law of the Corporation for the purpose of dumping or disposing of garbage, refuse, debris or domestic or industrial waste;
- (c) property used for the natural decomposition of domestically generated organic material to produce compost provided that all the following regulations are complied with:
 - (i) The compost shall emit no offensive odor and it shall not be allowed to attract or harbor any vermin;
 - (ii) The composting shall take place on the property of the person owning, having charge of, or harboring the compost or compost pile.

3. NOTICE OF VIOLATION

3.1 Where an Officer has confirmed that a property is not maintained in accordance with the requirements of this by-law, the Officer may, in addition to verbally directing the owner to bring the property into compliance, serve the owner a notice in writing directing the owner to bring the property into compliance with the by-law requirements.

3.2 A written notice to the owner of a property may be served by the following means:

- (a) Personally on the owner or occupant of the property;
- (b) by registered mail to address of the owner as listed in the current assessment rolls;
 - (i) If sent by registered mail, the notice shall be deemed to have been served on the fifth day after mailing.

3.3 Every notice delivered or sent by the MLEO shall identify the property where the violation has occurred.

3.4 Every notice delivered or sent by the MLEO shall specify that if the owner defaults in doing the matter or thing required to be done under this by-law by the date specified in the notice, the MLEO may take action for the Corporation to do the matter or thing, required to be done under this by-law, and that the Corporation may recover the costs of doing the thing or matter required to be done from the person directed or required to do it and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

3.5 Every person issued a notice under this by-law shall comply within the time prescribed by the MLEO.

3.6 When an Officer deems a violation under this by-law to pose an immediate risk to public health or safety, or an immediate risk of environmental damage, the

notice provisions contained in section 3 may be waived and an emergency order shall be posted on the property requiring immediate action or other remediation.

(a) Every person issued an emergency notice under this by-law shall comply within the period of time specified on the emergency order.

3.7 Once served upon an owner in accordance with section 3, a notice shall remain in effect on a property for the duration of a calendar year and further notices to the owner for similar violations within the same calendar year are not required.

3.8 Where an owner, having been served with a notice in the manner described in section 3, fails to comply with the notice within the time specified, an Officer, employee or agent may, upon producing appropriate identification when so requested, enter onto the property at a reasonable time and carry out any or all of the work required to bring the property into compliance with this by-law.

3.9 Any items or materials removed from a property during a clean-up conducted by the Township or an agent of the Township may be immediately disposed of without further notice to the property owner.

3.10 Where the Township has conducted a property clean up as described in section 3.9, all expenses incurred by the Township in doing the work as well as any related administrative fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.

3.11 The Township assumes no liability for property damage or personal injury resulting from remedial action or work undertaken with respect to any person or property that is subject to this by-law.

4. ENFORCEMENT

4.1 This By-law shall be administered and enforced by the Municipal Law Enforcement Officer of the Township of Strong.

4.2 An Officer may, at all reasonable times, enter upon land for the purpose of carrying out an inspection, taking photographs and obtaining evidence to determine whether the property complies with this by-law

(a) For the purposes of section 4.2, an Officer may be accompanied by other employees and/or agents of the Township of Strong.

4.3 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Township of Strong in the lawful exercise of a power or duty under this by-law

4.4 No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

4.5 Any person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to an Officer upon request.

5. PENALTY

5.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

5.2 Each day on which a person contravenes sections 1.8, 1.9, 1.10, 1.11, 3.5 and 3.6(a) of this by-law shall be deemed to constitute a separate offence under this by-law.

6. VALIDITY AND SERVERABILITY

6.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

7. EFFECTIVE DATE

7.1 This by-law will come into effect on the date it is passed.

8. SHORT TITLE

8.1 The short title of this by-law is the "Clean and Safe Yards By-law".

READ A FIRST TIME THIS 25th DAY OF APRIL, 2023.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF SEPTEMBER, 2023.

Original Copy Signed

Tim Bryson, Mayor

Original Copy Signed

Caitlin Haggart, Clerk Administrator

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW 2023-012

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PART I PROVINCIAL OFFENCES ACT

SCHEDULE "B"

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1.	Fail to ensure property is kept free and clear of garbage, refuse, debris, ground cover, domestic waste, or industrial waste.	1.1 (a)	\$200.00
2.	Fail to ensure property is kept free and clear of wrecked, dismantled, abandoned, or inoperable appliance, machine, or derelict motor vehicle.	1.1 (b)	\$200.00
3.	Fail to keep landscaped features in good repair	1.2	\$200.00
4.	Fail to keep private drain in repair	1.3	\$200.00
5.	Fail to alter or relay drain as directed	1.4	\$300.00
6.	Throw, place, or deposit refuse or debris on private property	1.5	\$150.00
7.	Throw, place, or deposit refuse or debris on Township property	1.6	\$150.00
8.	Throw, place, or deposit refuse or debris on property of a local board	1.7	\$150.00
9.	Fail to provide sanitary disposal of sewage and drainage	1.8	\$300.00
10.	Fail to remove slanderous or objectionable signs, markings, graffiti, or defacement	1.9	\$300.00
11.	Use property or structure for dumping or disposing of garbage, refuse, debris or domestic or industrial waste.	1.10	\$300.00
12.	Fail to cover garbage, refuse, debris, domestic, or industrial waste as directed.	1.11	\$300.00
13.	Fail to comply with Notice of Violation	3.5	\$400.00
14.	Fail to comply with Emergency Order	3.6 (a)	\$500.00
15.	Hinder or obstruct officer or agent of the Township	4.3	\$350.00
16.	Provide false information or statement	4.4	\$250.00
17.	Fail to identify	4.5	\$250.00

NOTE: The general penalty provision for the offences listed above is Section 5.1 of By-law 2023-012, a certified copy of which has been filed.