

# **THE CORPORATION OF THE TOWNSHIP OF CRAMAHE**

## **BY-LAW NO. BL-2023-40**

Being a By-law to regulate the maintenance of yards in a clean and clear condition within the Township of Cramahe.

**WHEREAS** section 11(3) of the Municipal Act, 2001. S. O. c 25, as amended, provides that a municipality may pass by-laws respecting waste management; and

**WHEREAS** pursuant to section 127 of the Municipal Act 2001, S.O. 2001, c 25 as amended, permits that a local 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, regulate when and how such matters shall be done, prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and define "refuse" for the purpose of this section; and

**WHEREAS** Section 131 of the Municipal Act 2001, S.O. 2001, c 25 as amended, provides that a local 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 disposition; and

**WHEREAS** Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law; and

**WHEREAS** section 436 of the Municipal Act, 2001 S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law; and

**WHEREAS** section 444 of the Municipal Act, 2001, c. 25, as amended, provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention; and

**WHEREAS** section 446 of the Municipal Act, 2001, c. 25, as amended, provides that a municipality may proceed to do things at a Persons expense which that person is otherwise required to do so under this by-law but has failed to do so and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes.

**NOW THEREFORE** the Municipal Council of the Corporation of the Township of Cramahe enacts as follows:

## **PART 1 DEFINITIONS**

In this By-law:

**1.1 "Accessory Building"** shall mean a building or structure, the use of which is incidental or subordinate to the main use of any other building on property, or which if there is no other building on the property, is incidental to the use of the property, and which is not intended for human habitation

**1.2 "Agriculture operation"** shall take the definition set out in the farming and food protection act, 1998. S.O. 1998 as amended from time to time

**1.3 "By-Law Enforcement Officer"** shall mean a Municipal Law Enforcement Officer, Provincial Offences Officer, Medical Officer of Health, Chief Building Official or any other persons appointed or employed by the Corporation of the Municipality of Cramahe for enforcement of by-laws.

**1.4 "Council"** shall mean the Council of the Corporation of the Township of Cramahe

**1.5 "Derelict Motor vehicle"** shall mean any vehicle (except farm machinery in a zone that permit agricultural operations) which is dismantled or has been in a state of neglect and disrepair for at least 30 (thirty) days and which is not enclosed within a garage or carport. This includes a motor vehicle that does not have valid plates or permits or is otherwise defined in accordance with the Highway Traffic Act R.S.O. 1990, c. H8 as amended from time to time.

**1.6 "Domestic Waste"** shall include waste belonging to or associated with a house or household or concerning or relating to the home or family; and for greater certainty, but not to restrict the generality of the foregoing terms of this section, domestic waste includes waste consisting of:

- Accumulations, deposits, litter, remains, refuse, garbage, rubbish, trash
- Refrigerators, freezers, or other appliances, any attached hinges or latching, locking or other closing mechanism or device, or any part thereof
- Paper, cartons
- Furniture
- Crockery
- Sewage
- Salvage materials

**1.7 "Excessive Growth of Grass and Weeds"** shall mean grass and or weeds which have grown to a height to be inconsistent with the surrounding environment.

**1.8 "Grass"** shall mean all forms, types, and species of grasses.

**1.9 "Industrial Refuse":** shall mean any article, thing, matter, or effluent belonging to, or associated with, industry or commerce or concerning or relating to any manufacturing process or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes, but is not limited to:

- Pipes, tubes, conduits, cable, fittings, or adjuncts thereof
- Containers of any size, type, or composition
- Rubble and inert fill
- Derelict or abandoned motor vehicles, motor vehicle parts and accessories, including tires
- Derelict machinery and equipment

- Articles, things, matter, or effluent which is whole or in part, or in fragments thereof and derived from or are constituted from or consist of agricultural, animal, vegetable, papers, lumber or wood products, or mineral, metal, or chemical products, whether the products are manufactured or otherwise processed
- Bones, feathers, furs, hides
- Paper, cardboard packaging and wrapping
- Material resulting from, or as part of, construction or demolition
- Sewage

**1.10 "Lands"** may include but not be limited to means an open, uncovered space on a lot appurtenant to an occupied building or structure, vacant lot, and yard.

**1.11 "Last Known Address"** shall mean the address, which appears on the last revised assessment rolls of the Corporation of the Municipality of Cramahe

**1.12 "Lot"** shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal title to the said parcel of land was lawfully and effectively conveyed, or which is a whole lot as shown on a registered plan of subdivision pursuant to the provisions of the Planning Act

**1.13 "Machinery"** shall mean any mechanical, electrical, or electronic device designed and used to perform some function

**1.14 "Municipality"** shall mean the Corporation of the Township of Cramahe

**1.15 "Normal Farm Practice"** shall take the definition set out in the Farming and Food Protection Act, 1998.S, O, 1998. c.1.as amended from time to time

**1.16 "Noxious weed"** shall take the definition set out in the Weed Control Act, R.S.O. 1990, c. W.5, as amended from time to time.

**1.17 "Occupant"** shall mean any person who is over the age of 18 and in control of any grounds, yard, or vacant lot.

**1.18 "Order"** shall mean an Order issued under this By-Law.

**1.19 "Overgrown"** shall mean an uncut, unkept, or unsightly state or a potential health risk.

**1.20 "Owner"** shall mean any person who is the registered owner of the property according to the records at the applicable Land Registry Office or Municipal tax roll as having title to the land or responsibility for it.

**1.21 "Person(s)"** shall mean an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, or a body corporate.

**1.22 "Property"** shall mean any grounds, yard, or vacant land.

**1.23 "Refuse"** shall means a substance or material that is left, thrown away, or unfit for use and includes, all materials, but is not limited to the following:

- Household appliances such as stoves, refrigerators, freezers, washers, dryers, air conditioners and dishwashers, and television sets and their component parts
- Household furniture such as beds, bed springs, mattresses, tables, chairs, and their component parts.
- Barrels, boxes, water, and fuel tanks (empty only)
- Motor vehicles, motorcycles, snowmobiles, bicycles, trailers, go-carts, golf carts, boats, lawn mowers, or vessels, all-terrain vehicles which are in

a wrecked, discarded, inoperative or dismantled condition, in whole or in part, and their component parts

- Boulders, bricks, concrete, asphalt, glass, scrap wood, scrap metal, scrap wire, paint cans, cardboard, paper, plastics, Styrofoam, roofing shingles (scrap), discarded clothes or cloth and canvas
- Fallen trees, tree stumps, branches, brush, leaves, bagged or piled grass and weeds, hedge cuttings, open compost piles and garden waste, snow, and ice
- Household garbage, (bagged or not) not set out for collection, scrap construction materials, dead animal carcasses, animal feces
- Tires, wrecked, dismantled, discarded playground equipment, beverage containers, fast food bags, containers, and wrappings
- Industrial, commercial or any other hazardous liquid waste including but not limited to motor oil, gasoline, and/or batteries
- Waste from demolished buildings, discarded signs and placards
- Straw, hay, and manure
- Excavated materials (i.e., earth, gravel).

**1.24 "Standing Water"** shall mean any water, any size which is not continuously in movement by natural or mechanical means, EXCLUDING, a body of water containing live fish which are habitually present, any body of water natural to its surrounding environment including ponds, bog, marshes and wetlands, body of water within municipality owned storm management facility, body of water contained for less than 4 days and any body of water due to seasonal flooding that is beyond the control of the [property owner.

**1.25 "Tourist Trailer"** shall mean any portable living unit having no permanent foundation and supported by wheels, jacks or similar support, used or so constructed as to permit its being used as a conveyance upon public streets or highways and duly licensed as such, and designed and constructed to permit occupancy for temporary living, eating and sleeping accommodation of persons therein, and shall be deemed to included a tent and shall not be occupied continuously or as a principal residence. This definition does not included appurtenances to a trailer or park model trailer or land-based vehicles originally designed, used, or intended for water use.

**1.26 "Vegetation"** shall mean plants considered collectively, especially those found in a particular area or habitat.

**1.27 "Vehicle"** shall include an automobile, truck, bus, RV (recreational vehicle), motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction vehicle, bulldozer, backhoe, excavator, grader, golf cart, asphalter, earth mover, compactor, crane, lift, skid steer, generator, welder, riding lawn mower(s), streetcar or other vehicle running only upon rails, motorized snow vehicles, off road vehicle, trailer, boat, bicycle, or any vehicle drawn, propelled, or drive, by any kind or power, including but not limited to mechanical power, muscular power, wind power, or solar power.

**1.28 "Weeds"** shall mean a plant that is deemed to be a Noxious Weed under subsection 10(2) or designated as a noxious weed under clause 24(a) of the Weed Control Act, R.S.O.1990.

**1.29 "Weed Inspector"** shall mean Weed Inspectors appointed under the Weed Control Act, R.S.O.1990 as appointed and administered by the County of Northumberland.

**1.30 "Yard"** shall mean the land other than publicly owned land around or appointed to the whole or part of a residential or non-residential property and used or capable of being used in connection with the property

**1.31 “Water Course”** shall mean an identifiable depression in the ground in which a natural flow of water occasionally, regularly, or continuously flows, even if the bed is sometimes dry, and even if the banks are sometimes overflowed or submerged.

## **PART 2 - SCOPE AND VALIDITY**

2.1 Where a provision of this by-law conflicts with a provision of another by-law in force in the municipality, the provision that establishes the higher standard shall prevail to protect the health, safety, and welfare or the general public.

2.2 Should a court of competent jurisdiction declare a part or whole of any provision of the by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and 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.

## **PART 3 – EXEMPTIONS**

3.1 The provisions and regulations of this by-law do not apply to materials or equipment directly related to construction work on lands on which construction is actively proceeding in accordance with a permit issued to the Building Act, 1992, S.O. 1992, C 23 as amended from time to time.

3.2 This by-law does not apply to prevent an agricultural operation from carrying out normal farm practice.

## **PART 4 - MAINTENANCE OF YARD**

4.1 Every owner or occupant of land shall keep a yard maintained in a clean and tidy condition so as not to detract from the neighboring environment or to present a hazard to any person or property including the removal of, and kept free from:

- a) Refuse, industrial refuse, garbage, domestic waste, and debris
- b) Objects and conditions that are health, fire, or accident hazards.
- c) Heavy undergrowth and noxious plants as defined in the Regulation passed pursuant to the Weed Control Act, R.S.O. 1990, c.w.5, as amended from time to time, and excessive growth of grass, weeds, and other vegetation.
- d) Dead Decaying, or damaged trees, or other natural growth, and the branches and limbs which create an unsafe or unsightly condition.
- e) Wrecked, dismantled, inoperative, or unlicensed vehicles, camper trailers/tourist trailer 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 any unsightly condition out of character with the surround environment.
- f) Termites, rodents, vermin, and other pests; and any condition which might result in the harbouring of such pests.
- g) Dilapidated or collapsed structures or erections, or any hole, excavation or unprotected well, or other unsafe condition.



Any of the above items not removed by the date stated on the order to remedy a violation may be removed by the Corporation at the expense of the owner and all expenses shall be collected as in Sec 6(7)(b)(iii) of this by-law.

#### **PART 5 - SURFACE CONDITIONS**

5.1 Every owner or occupant of land shall maintain the surface condition of a yard to:

- a) Prevent ponding of storm water
- b) Prevent instability or erosion of soil
- c) Prevent surface water runoff
- d) Be kept free of deep ruts and holes
- e) Be kept free of an unsightly appearance

#### **PART 6 - STANDING WATER**

6.1 No owner, occupant or person shall fail to keep a yard free of standing water.

#### **PART 7 - PASSAGE WAYS**

7.1 The owner or occupant of any yard shall maintain steps and walkways and similar areas of a yard in a condition so as to afford safe passage under normal use weather conditions.

#### **PART 8 – COMPOST HEAPS**

8.1 The owner or occupant of a yard may provide for a compost heap in accordance with the Ontario Compost Quality Standards, providing that the compost heap is no larger than one square meters in width and 1.8 meters in height, and is enclosed on all sides by concrete block, or lumber, or in a forty-five-gallon container, a metal frame building with a concrete floor, or commercial plastic enclosed container designed for composting

8.2 The owner or occupant of a yard containing a compost heap shall:

- Ensure the enclosure or container for the compost heap is secured on all sides as to prevent the entry of rodents,
- Maintain the enclosure or container for the compost heap in a clean and sanitary condition to the satisfaction of the By-Law Enforcement Officer

#### **PART 9 – GARBAGE AND WASTE DISPOSAL**

9.1 Every occupant, owner, or person putting out waste for curbside collection shall do so by placing such waste the curb or roadside no earlier than 4:30 p.m. on the day before the scheduled collection, and no later than 7:00 a.m. on the day of the scheduled collection in accordance with the County of Northumberland By-law No. 15-10, Solid Waste Management, 2010 s. 6 as amended from time to time.

9.2 Every occupant, owner, or person shall remove or arrange for the removal of waste, receptacles, or material remaining for any reason on public property after the time for pick-up under 9.01 has expired and in any event, before 10:00 p.m. on the day of the scheduled collection, whether the municipal collection has occurred in accordance with the County of Northumberland By-law No. 15-10 Solid Waste Management, 2010, s. 6 as amended from time to time.

## **PART 10 - INSPECTIONS**

10.1 A By-law Enforcement Officer acting under this by-law may at any reasonable time, enter and inspect any yard to determine any one or both of the following:

- a) Whether there is compliance with this by-law and
- b) Whether there is compliance with any order made under this by-law

10.2 A By-law Enforcement Officer acting under this By-law may at any reasonable time with proper identification enter upon any yard and if chosen accompanied by a person under his or her direction to determine if the owner or occupant is complying with the provisions of this by-law and may make examinations, take test samples, or photographs for the purpose of the inspection of the yard's condition.

## **PART 11 - ORDER**

11.1 Where a yard is not maintained in accordance with the requirement of this by-law:

- a) The municipality may issue the owner or occupant an order in writing directing the owner or occupant of the yard to bring the yard into conformance with the requirements of this by-law,
- b) The order shall be served on the person whom it is issued, and in all cases shall be serve on the owner,
- c) All contraventions identified in the order shall be repaired, removed, cleared, or cleaned by the deadline set out in the order.

## **PART 12 – SERVICE**

12.1 An order under this by-law may be served personally or by registered mail sent to the last known address of the person to whom the order is issued.

12.2 If an order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing.

## **PART 13 – OFFENCES**

13.1 Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O., 1990, c.P.33. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. 3.2.2

13.2 Where this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, 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, S.O. 2001, c.M.25

#### **PART 14 – ENFORCEMENT**

14.1 This by-law shall be enforced by a By-law Enforcement Officer

14.2 An administrative penalty of \$250.00 may be issued if a person fails to comply with this by-law after 30 days of an order being served. An invoice will be issued to the property owner and after 30 days on non-payment, the amount owing will be added to their property taxes.

14.3 Every person who contravenes any provision of this by-law and every director or officer or a corporation who occurs in such contravention by the corporation, is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than \$5000.00 and on a subsequent conviction to a fine of not more than \$10,000.00.

14.4 Every person who failed to comply with an order issued under this by-law is guilty of a continuing offence, and on conviction, in addition to penalties in sections 13.02 of this by-law, is liable to a fine of not more than \$10,000.00 per day for every day the offence continues after the given for complying with the order has expired.

14.5 If this by-law is contravened and a conviction entered, the court in which they conviction was entered any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

#### **PART 15 – FAILURE TO COMPLY**

15.01 Where a person having been served with an order, fails to comply within the time specified, a By-law Enforcement Officer or the municipal employee or agents authorized for this purpose, in addition to any other remedy or penalty provided under this by-law enter onto the yard at a reasonable time and carry out any or all the work described in the order.

#### **PART 16 – RECOVERY OF COSTS**

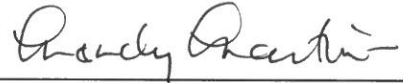
16.1 Where the By-law Enforcement or the municipality, its employees or authorized agents have performed the work required to bring the yard to compliance with an order issued under this by-law, all expenses incurred by the municipality in doing the work as well as any related fees, shall be deemed to be a debt to the municipality and may be collected by action or the cost may be added to the tax roll for the property and collected in the same manner as taxes.



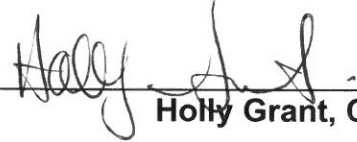
**PART 17 – ENACTMENT**

17.01 This by-law shall come into force and take effect on the day it is passed.

**Read a first, second and third time and finally passed this 20th day of June 2023.**



**Mandy Martin, Mayor**



**Holly Grant, Clerk**