

THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW 24-04

Being a By-law Respecting Yard Maintenance, Storage and Litter on Property

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "*Act*"), as amended, provides that a municipality has the rights, powers and privileges of a natural person for the purposes of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS Sections 8, 9 and 10 of the *Act* authorize a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 10 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property;

AND WHEREAS Section 127 of the *Act* authorizes a municipality to pass By-laws requiring an owner or occupant of land to clean and clear the land, not including buildings; to clear refuse or debris from the land, not including buildings; 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 the land; and for defining "refuse";

AND WHEREAS Section 128 of the *Act* authorizes a municipality to pass By-laws to 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 *Act* authorizes a municipality to 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 *Act* authorizes a municipality to pass By-laws providing that any person who contravenes any *By-law* of the municipality passed under the *Act* is guilty of an offence;

AND WHEREAS the *Act* further authorizes the Municipality of Greenstone, among other things, to delegate this authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

AND WHEREAS the Council of The Corporation of the Municipality of Greenstone deems it necessary to pass such a by-law;

NOW THEREFORE the Council of The Corporation of the Municipality of Greenstone hereby **ENACTS AS FOLLOWS:**

1 APPLICATION AND INTERPRETATION

1.01 Short Title

This By-law may be referred to as the “Clean Yards By-law”.

1.02 Application

This By-law prescribes the requirements for the maintenance of yards on property within the Municipality of Greenstone except property owned or occupied by the Province of Ontario, Canada or The Corporation of the Municipality of Greenstone.

1.03 Definitions

In this By-law,

“building” means a structure having a roof supported by columns or walls and used or designed or intended for use for the accommodation or storage of persons, animals, goods, materials, vehicles or equipment;

“By-law” means this By-law, including its recitals and schedules, as amended from time to time;

“Clerk” means the Clerk of The Corporation of the Municipality of Greenstone;

“debris” means, without limitation, refuse, waste, discarded materials or garbage of any kind whatsoever. The term includes the following, whether of value or not:

- (a) accumulations of litter, remains, rubbish, trash;
- (b) weighty or bulky items such as: appliances, furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks, placed in a condition or location where they cannot be used for their intended purposes;
- (c) paper;
- (d) cartons;
- (e) dilapidated furniture;
- (f) crockery, glass, cans, containers;
- (g) garden refuse and trimmings;
- (h) material from or for construction and demolition projects;
- (i) domestic and industrial waste;
- (j) dead or dying trees, branches, leaves or shrubs;
- (k) inoperative motor vehicles;
- (l) motor vehicle parts;

- (m) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
- (n) earth or rock fill;
- (o) clothing or other household cloth or linens lying in an unprotected condition;
- (p) objects or conditions that may create a health, fire or accident hazard; and
- (q) animal feces;

“derelict motor vehicle” means a motor vehicle having missing bodywork components or parts, including tires, or removed or damaged parts, bodywork, glass or deteriorated or removed components, which prevent its mechanical function, and includes motor vehicles not licenced for the current year;

“domestic waste” means waste comprising of garbage and rubbish such as bottles, cans, clothing, compost, disposables, food packaging, food scraps, newspapers, magazines, yard trimmers, cleaning solvents, paint and pesticides that originate in a home or apartment;

“excavation” means an area where soil has been removed thereby leaving a depression or hole within the surrounding land, and includes, without limiting the generality of the foregoing, uncovered wells or cisterns;

“hazard” means lands or materials that are in an unsafe condition or that constitute a fire risk;

“highway” includes a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle or a portion thereof, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untravelled portion of a road allowance, and a street;

“industrial waste” means waste generated as a result of carrying out a business or industry and includes garbage and rubbish produced by customers of the business;

“inoperative machinery” means but is not limited to machinery that cannot be operated as a result of being dismantled, broken or incomplete, decayed or dilapidated;

“inoperative motor vehicle” means a motor vehicle which may not be lawfully operated upon a highway under the *Highway Traffic Act* for any of the following reasons:

- (a) there is not in existence a currently validated permit for the vehicle;
- (b) there are not displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the *Highway Traffic Act* showing the permit number issued for the vehicle;
- (c) there is not affixed to a number plate displayed on the vehicle evidence of the current validation of the permit;
- (d) the vehicle is damaged to the extent that it cannot be driven, is in a wrecked or dismantled condition or has had its source of motive power removed; or
- (e) the vehicle is a derelict motor vehicle;

“motor vehicle” means an automobile, motorcycle, motor assisted bicycle, boat, motorized snow vehicle, mechanical equipment, traction engine, farm tractor, a self-propelled implement of husbandry or a road building machine and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise provided in the *Highway Traffic Act*;

“Municipality” means The Corporation of the Municipality of Greenstone or when used in the geographical sense, all lands within the boundaries thereof;

“natural garden” means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape;

“normal farm practices” has the same meaning as defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1;

“noxious weed” means a weed that is designated as a noxious weed or local weed under the *Weed Control Act*, R.S.O. 1900, c. W.5;

“Occupant” means any person or persons over the age of 18 years in possession of the property;

“Officer” means a “provincial offences officer” as defined in the *Provincial Offences Act*;

“Order” means an Order issued by an officer;

“Owner” includes,

- (a) the registered owner, owner in trust, a mortgagee in possession;
- (b) the 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 the person’s own account or as agent or trustee of

any other person, or who would receive the rent if the land and premises were let; and

- (c) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy thereof;

“property” includes 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, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant lands;

“public nuisance” means an activity or activities, intentional or negligent in origin, which have a detrimental impact on the enjoyment of properties in the vicinity of the originating premises and for the purposes of this By-law, includes odour;

“refuse” or “rubbish” has the same meaning as “debris”;

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in or required by this By-Law;

“trailer” has the same meaning as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, whether or not it is attached to a motor vehicle;

“vegetation” includes plants of any kind, including trees, shrubs, nursery stock and other vegetation and includes the limbs or growth of any vegetation;

“vermin” means mammals, birds or insects injurious to humans, physical property, game, livestock, or crops. Without limitation, examples include skunks, rats, termites, poisonous insects or reptiles, moths and mice;

“waste” means any waste of any kind whatsoever and without limiting the generality of the foregoing includes rubbish, debris, refuse, sewage, effluent, garbage or litter of any type and household waste;

“watercourse” means an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously occurs, but does not include a swale shaped or graded in earth materials and stabilized with site suitable vegetation for the conveyance of storm water runoff;

“yard” means the land around and appurtenant to the whole or any part of a building and used or intended to be used in connection with the building and which may include recreational facilities including without limitation: riding paddocks, badminton or tennis courts, croquet or soccer pitches and similar structures and areas;

“front yard” means the yard that is between the front wall of the main building on the property and the front property line. The front yard extends across the entire width of the property;

“rear yard” means the yard that is between the rear wall of the main building on the property and the rear property line. The rear yard extends across the entire width of the property;

“side yard” is the yard that is between any side wall of the main building on the property and the side property line that wall faces. The side yard is contained between the rear yard and the front yard;

“Zoning By-law” means the Zoning By-law of the Municipality, as amended from time to time.

1.04 Specific Interpretation Rules

- 1.04.1 The captions and article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- 1.04.2 This By-law is to be read with all changes of gender or number required by the context.
- 1.04.3 The words “include”, the words “include”, “including”, “included” or “includes” are not to be read as limiting the phrases or descriptions that preceded or follow them.
- 1.04.4 The term “used” when referring to land or to a building or structure, buildings or structures are interpreted as including “intended to be used”.
- 1.04.5 Reference to a building or structure or yard or land includes that building, structure, yard or land in whole or in part.
- 1.04.6 Dimensions specified in metric units are the official dimensions.
- 1.04.7 In this By-law, the word “metre” may be represented by the abbreviation “m” and the word “centimetre” may be represented by the abbreviation “cm”.
- 1.04.8 Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done.
- 1.04.9 Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing.

1.04.10 References to legislation in this By-law are printed in Italic font and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute.

2 GENERAL STANDARDS FOR ALL PROPERTIES

2.01 Application of Standards

The standards set out in this section 2.0 apply to all property to which this By-law applies, regardless of its use, unless another specific section of this By-law provides a different standard for a particular use.

2.02 Exemption for Normal Farm Practices

This By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act, 1998*, from carrying out a normal farm practice.

2.03 General Duty to Maintain Yards

2.03.1 Every Owner and Occupant of property shall keep the yards and vacant lands of the property maintained and free of accumulation of rubbish, debris and discarded objects.

2.03.2 Every Owner and Occupant of property shall keep the yards and vacant lands of the property free from conditions such as holes or excavations that might create a health, safety, or accident hazard.

2.03.3 The Owner and Occupant of property shall keep the yards and vacant lands of the property in good repair so as to prevent hazards.

2.04 Landscaping and Vegetation

2.04.1 The Owner and Occupant of property shall ensure that suitable ground cover is provided to prevent erosion of the soil.

- 2.04.2 The Owner and Occupant of property shall ensure that where grass forms part of the ground cover, it shall be resodded or reseeded as often as required to maintain the grass in a living condition and cut so as not to be unreasonably overgrown in relation to the neighbouring environment.
- 2.04.3 Notwithstanding subsections 2.04.1 and 2.04.2 where a natural garden forms part of the ground cover, it shall be maintained in a living condition.
- 2.04.4 The Owner and Occupant of property shall keep grass on the yard and vacant lands at a height equal to or less than 20 cm.
- 2.04.4.1 This subsection 2.04.4 shall not apply to lands in the following zones under the Zoning By-law:
- a) Rural;
 - b) Open Space and Restricted Open Space;
 - c) Institutional; and
 - d) Environmental Protection.
- 2.04.5 The Owner and Occupant shall keep the property reasonably clear of noxious weeds; heavy growth of vegetation, or plants; and dead or dying trees, bushes and shrubs and all trees on the property shall be pruned so as to be free from dead or dying branches.
- 2.04.6 The Owner and Occupant shall ensure that vegetation on the property is kept trimmed and prevented from becoming unreasonably overgrown and shall eliminate vegetation or landscaping features on the property that may:
- a) adversely affect the safety or the passage of vehicular or pedestrian traffic;
 - b) constitute an obstruction of view for vehicular or pedestrian traffic;
 - c) wholly or partially conceal or interfere with the use of any fire hydrant or water valve, or other utility;
 - d) create a fire, health or safety hazard; or
 - e) interfere with the use of a highway, public sidewalk or lane.

2.05 **Drainage, Storm Water and Watercourses**

- 2.05.1 Every Owner and Occupant of a property on which there is a private drain shall keep such drain operational and in repair.

- 2.05.2 No Owner or Occupant of property shall obstruct, or cause or permit the obstruction of a watercourse on the property.
- 2.05.3 Every Owner and Occupant of property shall keep the yard and vacant lands graded, filled up or otherwise drained so as to prevent excessive or recurrent ponding of water on the property.
- 2.05.4 Every Owner and Occupant of property shall ensure that water discharged from downspouts, sump pump outlets or other similar sources on the property is directed in such a way so as to:
- a) contain the water within the limits of the property until absorbed by the soil or drained to a swale, watercourse, storm sewer or other suitable outlet;
 - b) prevent discharge directly on any highway, sidewalk or stairs;
 - c) prevent discharge into sanitary sewers; and
 - d) prevent discharge on to neighbouring property unless the grading was designed to utilize share swales or other forms of shared overland flow to capture surface water and direct it to a storm sewer other suitable collection facility.

2.06 Waste and Littering

- 2.06.1 Every Owner and Occupant shall keep his or her yard free and clear of all waste, refuse, domestic waste, industrial waste, or any other thing that may constitute a health, fire or safety hazard.
- 2.06.2 No person shall use a yard for the depositing or keeping of waste.
- 2.06.3 Any waste kept on a yard must:
- a) be stored in a container with a tight-fitting cover and free from holes or cracks, with smooth surfaces with finishes that are impervious to water;
 - b) be kept in a manner which prevents the escape of offensive odour or waste;
 - c) not be accessible to pests, insects, animals, birds, or vermin;
 - d) not create a health, fire or safety hazard; and
 - e) not be exposed to weather conditions or wind.

2.06.4 The Owner and Occupant of property used contrary to or on which there is a contravention of subsection 2.06.1, 2.06.2 or 2.06.3 regardless of whether the use or contravention occurred prior to the enactment of this By-law, shall, at the person's own expense, clean and clear the property and cease using the property for such prohibited purposes.

2.06.5 No person shall cause or permit the throwing, placement or depositing of refuse or debris on private or public land, including a sidewalk, road, street or highway.

2.06.6 A person does not breach the provisions of this section by placing garbage out for collection on property in accordance with applicable by-laws and collection schedules, but no person shall leave garbage out contrary to such by-laws or schedules and no person shall leave such garbage on a travelled portion of the property, sidewalk, road, street or highway.

2.07 Composting Rules

2.07.1 The Owner and Occupant shall ensure that:

- a) all compost is stored and kept neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood, or to attract vermin or other animals to the compost;
- b) compost piles shall be no larger than:
 - (i) one (1 m³) cubic meter in volume; and
 - (ii) one point eight (1.8 m) meters in height;
- c) compost shall be enclosed on all sides by concrete blocks or lumber or be maintained within a two hundred and five (205 l) liter container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

2.08 Derelict and/or Inoperative Motor Vehicles, Trailers and Machinery

2.08.1 No Owner or Occupant of land shall use any land or structure in the Municipality for storing derelict, used or inoperative motor vehicles or vehicle parts for the purpose of wrecking or dismantling them or salvaging vehicle parts thereof for sale or other disposal including for the purposes of repairing other vehicles.

2.08.2 No Owner or Occupant shall store, keep, place or permit the storage, keeping or placement of the following on property:

- a) derelict motor vehicles;

- b) inoperative motor vehicles;
- c) detached motor vehicle parts or components unless otherwise expressly permitted; and/or
- d) wrecked, dismantled, discarded, inoperative or abandoned motor vehicles, recreational vehicles, machinery, appliances, boats, trailers, utility trailers, mobile homes or any similar vehicles, conveyances or equipment.

2.08.3 Subsections 2.08.1 and 2.08.2 do not prohibit the storage of an inoperative motor vehicle or inoperative machinery, or part of a vehicle or machinery where:

- a) the storage is reasonable necessary for the conduct of a business or trade lawfully conducted on the property;
- b) the inoperative motor vehicle, inoperative machinery or parts of a vehicle or machinery are stored in an enclosed building for a purpose other than:
 - i. wrecking or dismantling of them or salvaging parts from them for sale or other disposition; or
 - ii. a vehicle repair or machinery business purpose; or
- c) the storage in a yard is of a single vehicle which is fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair.

2.08.4 This subsection 2.08 does not prohibit the keeping of inoperative agricultural machinery and inoperative agricultural vehicles on a farm provided that the inoperative agricultural machinery or inoperative agricultural vehicles are not placed or arranged so as to create a safety or health hazard to persons on the property and, in particular, not so as to block emergency access to or from the property.

2.09 Public Nuisances

- 2.09.1 No Owner or Occupant of property shall use the property in a manner which creates a public nuisance.
- 2.09.2 No Owner or Occupant of property shall allow a condition to develop or remain on the property in a manner which constitutes or creates a public nuisance.

3 ADMINISTRATION

- 3.01 The Municipal Clerk is assigned the responsibility for administering and enforcing this By-law and may assign duties to such persons as he or she deems necessary to carry out the provisions of this By-law.

3.02 Persons appointed or assigned for the purposes of administering or enforcing this By-law are officers; have the authority to carry out the duties of assigned to officers under this By-law; and may enforce the provisions of this By-law.

4 ENFORCEMENT

4.01 An officer may enter on property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) this By-law;
- b) a direction or Order made under this By-law; or
- c) a prohibition Order made under section 431 of the *Municipal Act, 2001*.

4.02 An officer may, for the purposes of an inspection under subsection 4.01:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information in writing or otherwise as required by the officer from any person concerning a matter related to the inspection; or
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

4.03 An officer may undertake an inspection pursuant to an Order issued by a provincial judge or justice of the peace under section 438 of the *Act* where he or she has been prevented or is likely to be prevented from carrying out an inspection under subsections 4.01 and 4.02.

4.04 If an officer is satisfied that a contravention of this By-law has occurred, the officer may make an Order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupant of the property on which the contravention occurred to discontinue the contravening activity.

4.05 An Order under subsection 4.04 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contraventions and the location of the property on which the contravention occurred; and

b) the date or dates by which there must be compliance with the Order.

4.06 If an officer is satisfied that a contravention of this By-law has occurred, he or she may make an Order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupant of the property on which the contravention occurred to do work to correct the contravention.

4.07 An Order under subsection 4.06 shall set out:

a) reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;

b) the work to be completed; and

c) the date or dates by which the work must be completed.

4.08 An Order to discontinue contravening activity made under subsection 4.04 or an Order to do work made under subsection 4.06 may be served:

a) by regular, registered or certified mail to the last known address of, as the case may be, the person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupant of the property on which the contravention occurred, in which case it shall be deemed to have been given on the third day after it was mailed;

b) by an officer placing a placard containing the Order in a conspicuous place on the property where the contravention occurred, in which case it shall be deemed to have been given on the day of the placement of the placard on the property; or

c) personally, as the case may be, on the person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupant of the property on which the contravention occurred.

4.09 Where a person does not comply with a direction, an Order or a requirement under this By-law to do a matter or thing, the Municipality Clerk, with such assistance by others as may be required, may carry out such direction, Order or requirement at the person's expense.

4.10 Without limiting its right to pursue other remedies, the Municipality may recover the costs of doing a matter or thing under subsection 4.09 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 15 per cent per year commencing on the day the Municipality incurs the costs and ending on the day the costs, including the interest, are paid in full.

4.11 Where an Order has been issued by an officer under section 444 of the *Act* to discontinue an activity or where a Work Order to correct a contravention has been issued by an officer under section 445 of the said *Act*, the officer may modify the terms or requirements of the Order or Work Order, including the time within which compliance must be achieved.

4.12 Offences and Penalties

- 4.12.1 Every person who contravenes an Order under section 444 or 445 of the *Act* or who fails to comply with an Order issued under this By-law is guilty of an offence.
- 4.12.2 Any person who contravenes any provision of this By-law is liable to a fine or other penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.
- 4.12.3 Any person who is in contravention of any provision of this By-law, or who contravenes an Order issued under section 444 or 445 of the *Act* is deemed to be committing a continuing offence for each day that the contravention continues.

5 EFFECTIVE DATE, REPEAL AND TRANSITIONAL RULES

5.01 Effective Date

- 5.01.1 This By-law shall take effect on the date of its passage.

5.02 Repeal

- 5.02.1 Upon passage of this By-law, the following is repealed:

The Corporation of the Municipality of Greenstone By-law No. 03-27.

ENACTED AND PASSED this 15th day of January, 2024 as witnessed by the Seal of the Corporation and the hands of its proper Officers.



Original signed and sealed by K. Miousse

Kristina Miousse, Clerk

Original signed by J. McPherson

James McPherson, Mayor