

## THE CORPORATION OF THE TOWN OF CALEDON

### BY-LAW NO. BL-2016-063

A by-law to regulate maintenance and care of land

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes the *Council* to pass by-laws for the health, safety and well-being of *persons*;

AND WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes the *Council* to pass by-laws to require the owner or occupant of land to clean and clear the land, or to clear *refuse* or debris from the land;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes the *Council* to pass by-laws with respect to public nuisances, including matters that, in the opinion of *Council*, are or could become or cause public nuisances;

AND WHEREAS Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to require a *person* to do a matter or thing and in default of it being done by the *person* directed or required to do it, the matter or thing shall be done at the owners expense and add the cost to the tax roll;

AND WHEREAS the *Council* of the Corporation of the Town of Caledon deems it necessary for the health, safety and welfare of the inhabitants to enact a by-law requiring owners and occupants of land to maintain their land free from *refuse*, debris, excessive growth of *grass* and weeds, and conditions which may pose an unsafe condition;

NOW THEREFORE, the *Council* of the Corporation of the Town of Caledon hereby ENACTS AS FOLLOWS:

#### **SHORT TITLE**

This By-law shall be known as the Clean Yards By-law.

#### **DEFINITIONS**

1. In this by-law:

“*Administration Fee*” shall mean the costs incurred by the *Town* for the administration and enforcement of this by-law, and shall be in accordance with the *Town Fees By-law* as amended.

“*Council*” means the *Council* of The Corporation of the Town of Caledon.

“*Derelict Vehicle*” shall mean a licensed or unlicensed *vehicle* that is inoperative, unused, discarded, in disrepair, or which has deteriorated or removed parts which prevent its proper functioning, including but not limited to tires, glass, windshields or windows.

“*Grass*” shall include all forms, types and species of *grass*, weeds, and or any other plant material.

“*Owner*” means the *person* holding registered title to the land, and/or a lessee, tenant, occupant, mortgagee in possession, or any *person* having charge of the land.

“*Person*” means an individual, firm, corporation, association, partnership, trust organization, trustee or agent and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law.

“*Refuse*” shall mean any article, thing, matter or any effluent belonging to or associated with a house or household, and any article, thing, matter or any effluent belonging to or associated with any industry, trade or business that in the opinion of the *Town Designate*, appears to be cast aside, discarded, abandoned or appears to be worthless, useless or of no practical value, or appears to be used up in whole or in part, or worn out, and without limiting the foregoing, may include:

- (a) Accumulations, deposits, remains, rubbish or trash;
- (b) Litter, including paper, cartons, newspapers, flyers, cardboard, and/or packaging;
- (c) Accumulations of yard clippings, tree and garden cuttings, brush or leaves;
- (d) Appliances including refrigerators, stoves, freezers or any other appliances, and any parts thereof, including attached hinges, latches, locking or closing mechanisms and/or devices;
- (e) *Derelict vehicles*, including *vehicle* parts and/or accessories;
- (f) Machinery and machinery equipment and/or parts, including furnaces and/or furnace parts, pipes and/or pipe fittings, water tanks, fuel tanks, and/or septic tanks, tubing, conduits, cable fittings and/or other accessories;
- (g) Containers of any size, type, or composition, including cans, glass or plastic containers;
- (h) Sewage, as defined in this by-law;
- (i) Materials resulting from, or as part of, construction or demolition projects, including decaying lumber, or other debris and/or material that does not appear to be actively utilized or intended for construction purposes; and/or
- (j) Any other material that does not appear to be actively used for its intended purpose.

“*Sewage*” includes liquid waste containing human, animal, vegetable, or mineral matter, oils, chemicals, fuels, and/or other liquid remains.

“*Tall grass*” *grass* which exceeds twenty (20) centimetres or eight (8) inches in height.

“*Town*” means The Corporation of the Town of Caledon.

“*Town Designate*” shall mean a *person* who is an employee of The Corporation of the Town of Caledon, and who has been appointed by *Council* to administer and enforce all or part of this By-law on behalf of the *Town*, and shall include any and all appointed municipal law enforcement officers.

“*Vehicle*” shall include an automobile, motorcycle, motor-assist bicycle, boats, trailers and/or any other vehicle propelled or driven mechanically or by muscular power, whether licensed or unlicensed.

“*Yard*” shall mean the land within the boundary lines of a property not occupied by a principal building, if any, and shall include grounds and/or vacant property.

### **SCOPE AND APPLICATION**

2. This By-law shall apply to all land within the Town of Caledon.
3. Where a provision of this By-law conflicts with a provision of another By-law in force and effect in the *Town*, the provision that established the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

### **PROPERTY MAINTENANCE**

4. Every owner of land shall maintain said *yard* free from *refuse*.
5. Every *owner* shall ensure that the storage of any *vehicles* conforms to standards and requirements of any *Town* By-law and/or applicable legislation.
  - (1) Except as otherwise permitted by the *Town's* Zoning By-law, as amended, no *owner* shall cause or permit the storage of *derelict vehicles* on the *yard*, unless the *derelict vehicle* and its parts are kept in an enclosed building.
  - (2) Section 5 does not apply to *vehicles* used primarily for agricultural uses on lands with an ongoing agricultural operation.
6. Every *owner* shall ensure that all *grassed* areas of the *yard* are cut and maintained in a reasonable condition.
  - (1) Every *owner* of land less than 0.4 hectares in size, shall ensure that all *grassed* areas of the *yard* are cut and maintained, and shall not exceed the height requirement of *tall grass*.

### **ADMINISTRATION AND ENFORCEMENT**

7. The *Town Designate* shall be responsible for the administration and enforcement of this By-law.

#### **Right of Entry:**

8. A *Town Designate* may enter on land at all reasonable times for the purpose of:
  - (1) Carrying out an inspection;
  - (2) To ascertain whether the provisions of this By-law are complied with, or
  - (3) To ascertain whether the conditions of a Notice to Comply, issued pursuant to this By-law, have been complied with.

9. For the purposes of an inspection conducted under this By-law, the *Town Designate* may:
  - (1) Require the production of documents or things for review, that may be relevant to the inspection or the enforcement of a Notice to Comply pursuant to this by-law;
  - (2) Inspect and/or remove documents or things relevant to the inspection or enforcement of a Notice to Comply, for the purpose of making copies;
  - (3) Require information from any *person* concerning a matter related to the inspection or enforcement of a Notice to Comply; and/or
  - (4) Alone, or in conjunction with a *person* possessing special or expert knowledge, make examinations or take samples or photographs necessary for the purposes of the inspection or enforcement of a Notice to Comply.
10. No *person* shall hinder or obstruct, or attempt to hinder or obstruct a *Town Designate* exercising power or authority, or performing a duty as permitted under this By-law.

#### **Notice to Comply**

11. Where a *Town Designate* is satisfied that the land that does not comply with the provisions of this By-law, the *Town Designate* may issue a Notice to Comply upon the *owner*, requiring the *owner* to bring the land into compliance with the provisions of this By-law.
12. A Notice to Comply shall set out:
  - (1) Reasonable particulars of the non-compliance, and identify the land;
  - (2) The work to be done to bring the land into compliance;
  - (3) The date by which the work shall be completed to bring the land into compliance.
  - (4) Provide notice that if the required work to bring the land into compliance is not completed by the prescribed date, that the *Town* may do the work, and expense the cost, plus *administration fee*, to the *owner*.

#### **Service of Notice to Comply**

13. A Notice to Comply issued pursuant to this By-law, may be served:
  - (1) Personally, with service being deemed effective on the date given;
  - (2) By registered mail, with service being deemed effective on the fifth (5<sup>th</sup>) day after mailing;
  - (3) By placing the Notice to Comply in the mailbox or other depository ordinarily used for mail, with service being deemed effective on the fifth (5<sup>th</sup>) day after the leaving or placing, and/or

- (4) By posting the Notice to Comply in a conspicuous place on the land, and an *Town Designate* may enter the land for this purpose, with service being deemed effective on the fifth (5<sup>th</sup>) day after the posting.

#### **Failure to Comply with Notice**

14. Where an *owner* to whom a Notice of Comply has been issued pursuant to this By-law, fails to comply with the Notice to Comply, the *Town*, in addition to any other remedies it may have, may do the work required to bring the land into compliance, at the expense of the *owner*.
- (1) The cost of bringing the land into compliance, plus *administration fee*, may be added to the tax roll and collected by the *Town* in the same manner as property taxes.
15. A *Town Designate* may enter upon the land at any reasonable time, in order to bring the land into compliance.
- (1) In order to bring the *yard* into compliance the *Town Designate* may utilize a third-party contractor.

#### **OFFENCE AND PENALTY**

16. Every *person* or *owner* who contravenes any provisions of this By-law, or who fails to comply with a Notice to Comply, is guilty of an offence.
17. Every *person* or *owner* convicted of an offence contrary to a provision of this By-law, in a proceeding commenced under Part I of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, is guilty of an offence, and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

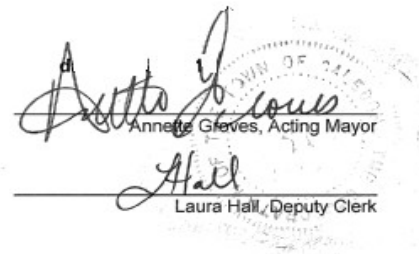
#### **SEVERABILITY**

18. If any article or provision of this By-law is for any reason held to be invalid, the remaining articles and/or provisions shall remain in effect until repealed.

#### **ENACTMENT**

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

**Enacted by the Town of Caledon Council this 12<sup>th</sup> day of July, 2016**



Annette Gleves, Acting Mayor

Laura Hall, Deputy Clerk