

The Corporation Of The Township Of Amaranth

By-Law Number 2025-\_\_\_\_\_

A By-law for Maintaining Land in a Clean, Clear, and Tidy Manner

Whereas Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, hereinafter referred to as “the Act” provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising under that or any other Act;

And Whereas Section 11 of the Act, provides that municipalities may provide any service of thing that the municipality considers necessary or desirable for the public, and authorizes municipalities to pass by-laws within their respective spheres of jurisdiction including health, safety and well-being of persons;

And Whereas Section 23 of the Act, authorizes a municipality to delegate certain powers and duties;

And Whereas Section 123 of the Act, authorizes a municipality to regulate with respect to cliffs, pits, deep waters and other dangerous places for the purpose of public safety;

And Whereas Section 127 of the Act, authorizes a municipality to regulate and require owners and occupants of land to clean and clear refuse or debris from the land, and for prohibiting the depositing of refuse or debris on land without the consent of the owner or occupant;

And Whereas Section 128 of the Act, authorizes a municipality to prohibit or 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 129 of the Act, authorizes a municipality to prohibit and regulate with respect to odour, dust and outdoor illumination;

And Whereas Section 131 of the Act, authorizes a municipality to prohibit or regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking, dismantling or salvaging parts from them;

And Whereas Section 425 of the Act, authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under the Act is guilty of an offence;

And Whereas Section 429 of the Act, provides that a municipality may establish a system of fines for a by-law passed under the Act;

And Whereas Section 431 of the Act, authorizes that where any by-law of a municipality under the Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the 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 and requiring the person convicted to correct the contravention in a manner and within a period of time that the court considers appropriate;

And Whereas Section 436 of the Act, provides that a municipality has power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

And Whereas Section 438 of the Act, permits municipalities to undertake inspections pursuant to orders issued under that section;

And Whereas Section 440 of the Act, provides that a municipality has the right in addition to any other remedy and to any penalty imposed by the by-law to make application to restrain the contravention;

And Whereas Sections 444 and 445 of the Act, authorizes a municipality to make orders to discontinue, or to correct, the contravention of a by-law;

And Whereas Section 446 of the Act, provides that a municipality may proceed to do a matter or thing at a person's expense which that person is otherwise required to do under a by-law, but has failed to do and the costs incurred by a municipality may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

And Whereas the Council for the Corporation of the Township of Amaranth 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 or growth of grass and weeds, and conditions which may pose an unsafe condition;

Now Therefore the Council of the Corporation of the Township of Amaranth Hereby Enacts As Follows:

## **1.0 Short Title**

1.1 This By-law may be referred to as "Tidy Yards By-law".

1.2 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, S.O. 1998, c.1*, from carrying out a normal farm practice as provided for and defined under that Act.

## **2.0 Definitions**

2.1 In this By-law:

"Building" means a building or a structure used or intended to be used for supporting or sheltering any use or occupancy and includes mobile buildings or structures, fences, outbuildings, retaining walls, chattels and fixtures;

"Compost" means decayed organic material including but not limited to kitchen and table waste, grass clippings, plant trimmings, weeds or leaves;

"Costs" means all monetary expenses including labour incurred by the Township including interest and may include an administrative surcharge amount as established by the Township's Fees and Charges By-law;

"Date of Service" means the date service is deemed in effect in accordance with the provisions of this By-law;

"Dumping" means to throw, place or drop, and includes deposit, store, accumulate, or otherwise dispose of;

"Ground Cover" means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

"Graffiti" means one or more letters, symbols, marks, etchings, pictorial representations, messages or slogans, howsoever made, that disfigures or defaces a Property, but does not include any of the following:

(a) a sign, public notice, or traffic control mark authorized by the Township;

- (b) a sign authorized pursuant to a permit issued pursuant to the Township's Sign By-law;
- (c) a sign, public notice or traffic control mark authorized by County, Provincial, or Federal Law;
- (d) an art mural which has been authorized by the Township;

"Infestation" means the presence of pests or injurious insects in numbers or under conditions that involve an immediate or potential risk to health and safety;

"Inoperative Motor Vehicle" includes a vehicle having missing or damaged parts or in a derelict condition which prevents its lawful mechanical function upon a highway and includes a vehicle that does not have a number plate displayed or does not have current valid vehicle permit for the number plate and includes a boat;

"Motor Vehicle" includes an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

"Occupant" means any Person over the age of eighteen years in possession of the Property;

"Officer" means a Municipal Law Enforcement Officer, a Police Officer, or any other Person appointed by By-law to enforce the provisions of this By-law;

"Owner" includes,

- (a) the registered owner of the property;
- (b) the Person for the time being managing or receiving the rent of the property 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 property 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;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative and includes an Owner.

"Property" means a parcel of land which is capable of being legally conveyed or any part thereof, inclusive of buildings and includes vacant property;

"Refuse" means a substance, material, article, thing, matter, or any effluent and includes but is not limited to:

- (a) accumulations, deposits, remains, rubbish, debris or trash;
- (b) food scraps, bones or organic waste;
- (c) human or domestic animal excrement;
- (d) litter, including paper, cartons, newspapers, flyers, cardboard, or packaging;
- (e) accumulations of yard clippings, tree and garden cuttings, brush and leaves;
- (f) appliances including refrigerators, stoves, freezers or any other appliances, and any parts thereof, including hinges, latches, locking or closing mechanisms and devices;
- (g) furniture and household effects;
- (h) inoperative vehicles, including vehicle parts and accessories;
- (i) machinery and machinery equipment and parts, including furnaces and furnace parts, pipes and pipe fittings, water tanks, fuel tanks, septic tanks, tubing, conduits, cable fittings and other accessories;

- (j) containers of any size, type, or composition, including cans, glass or plastic containers;
- (k) materials resulting from, or as part of, construction or demolition projects, including decaying lumber, or other debris and material that does not appear to be actively utilized or intended for construction purposes;
- (l) sewage;
- (m) any other material that does not appear to be actively used for its intended purpose;
- (n) items or materials in an unsightly condition;
- (o) without restricting the foregoing, any unused or unusable material that by reason of its state, condition or excess accumulation:
  - (i) has not been cast aside, discarded or abandoned, whether of any value or not;
  - (ii) has been used up, in whole or in part, whether of any value or not; or
  - (iii) has been expended or worn out, in whole or in part, whether of any value or not;

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

“Stagnant Water” means any water, other than a natural body of water that exists on a permanent basis or contained within a Township owned storm water management pond or facility, that is non-flowing, uncirculated, motionless, or stale, that provides a breeding place for mosquitos or other health hazards, but does not include water that is in a covered rain barrel;

“Tall Grass” means grass and weeds which exceeds eighteen (18) centimetres (approximately seven (7) inches) in height;

“Tax Roll Address” means the mailing address and contact information for the owner(s) of property that appears in the Township’s municipal tax assessment records;

“Township” means the Corporation of the Township of Amaranth or the land within the geographic limits of the Corporation of the Township of Amaranth as the context requires;

“Unsafe Condition” means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any Person on or about the property;

“Unsightly Condition” means an unorganized, generally unattractive condition that lacks general maintenance and upkeep, or an excessive or unreasonable accumulation or items or materials;

“Vacant Property” means property that does not have a building;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, power-assisted bicycle but does not include a motorized snow vehicle or street car;

“Yard” means the land within the boundary lines of a property;

“Zoning By-law” means any by-law administered by the Township passed pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P. 13*, as amended.

### **3.0 Application**

3.1 This By-law applies to all land within the Township.

3.2 Where a provision of this By-law conflicts with a provision of another By-law, provincial legislation, or development agreement in force and effect in the Township, the provision that established the higher standard shall prevail.

#### **4.0 Yard Maintenance**

4.1 No Owner shall fail to maintain a yard free from refuse.

#### **5.0 Tall Grass**

5.1 Every Owner of property located:

- (a) within a settlement area as defined in the Township's Official Plan; and
- (b) outside a settlement area as defined in the Township's Official Plan designated as "Estate Residential" and "Hamlet Residential" in the Zoning By-law;

shall maintain a yard free of tall grass.

5.2 The provisions of Section 5.1 shall not apply to:

- (a) open space areas designated by the Township;
- (b) naturalized areas or parts within a park in its natural state; or
- (c) lands adjacent to highways under the direction and control of parks, conservation, of a highway authority.

5.3 Where grass forms a part of ground cover and is dead an Owner of property shall re-sod or re-seed as often as required to restore the grass to a living condition.

#### **6.0 Vehicles**

6.1 An Owner shall store a vehicle in conformity with the standards and requirements of any Township By-law and applicable legislation.

6.2 No Owner shall store, cause, or permit to be stored an inoperative vehicle on a yard, unless the inoperative vehicle and its parts are kept in an enclosed building.

6.3 Notwithstanding Section 6.2, an Owner may store vehicles used primarily for agricultural uses on lands with an ongoing agricultural operation.

#### **7.0 Stagnant Water**

7.1 No Owner shall keep a swimming pool, hot tub, wading pool, artificial pond or fountain on a property unless it is maintained in good repair and in working condition.

7.2 No Owner shall permit:

- (a) a swimming pool, swimming pool cover, wading pool, hot tub, fountain, or artificial pond located on a property containing stagnant water; or
- (b) stagnant water to accumulate in any material whatsoever capable of holding water, including but not limited to tires, vehicles, boats, garden fixtures and containers of any kind.

7.3 Every Owner shall take all necessary steps to prevent or remove stagnant water located on a property. Such steps may include, but are not limited to, draining or filling of excavations and depressions, installing screening or netting equipment so as to prevent the breeding of mosquitoes, or the treatment of the property with larvicide.

#### **8.0 Wells, Septic Tanks, Ruts And Holes**

8.1 Every Owner shall ensure an abandoned or unused well, septic tank, ruts or a

hole on a property shall be filled or safely covered and protected.

## **9.0 Drainage**

9.1 An Owner shall ensure their property is graded, filled or otherwise drained so as to prevent recurrent ponding.

## **10.0 Compost**

10.1 An Owner shall ensure all compost:

- (a) is set back a minimum of 0.6 meters (2 feet) from any property line;
- (b) is kept free of pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

## **11.0 Pest Prevention**

11.1 Every Owner shall maintain their property free from any pest and free from infestation.

## **12.0 Graffiti**

12.1 No Person shall place, or cause or permit to be placed graffiti on property.

12.2 An Owner of a property shall keep the property free of graffiti.

## **13.0 Retaining Walls, Guards And Fences**

13.1 An Owner shall maintain a retaining wall, guards and a fence located on their property in good repair.

## **14.0 Trees, Hedges And Bushes**

14.1 An Owner shall keep trees, hedges and bushes located on their property, free from dead, decayed or damaged limbs or branches.

## **15.0 Natural Disaster**

15.1 In the event a building is destroyed by fire or natural disaster, an Owner of property shall remove any refuse and take the necessary steps to address an unsafe condition.

## **16.0 Refuse And Dumping Of Refuse**

16.1 No person shall dump refuse on a property, unless permitted by another of the Township's By-laws or by other legislation.

16.2 No Owner shall store or cause to be stored refuse except in a proper recycling or garbage receptacle or other acceptable container(s) in accordance with the County of Dufferin's Waste Collection By-law.

16.3 An owner does not contravene this By-law by placing refuse out for collection, so long as the time and placement occurs in accordance with the County of Dufferin's Waste Collection By-law.

## **17.0 Parking Areas, Walkways And Driveways**

17.1 An Owner of property designated as “Commercial” or “Industrial” under the Zoning By-law shall have a surface covering of asphalt, concrete, compacted stone or gravel or other suitable or reasonably dust free substance for areas used for vehicle traffic and parking.

## **18.0 Site Plan Conditions Maintained**

18.1 All approved site plan conditions including, but not limited to general maintenance, parking areas, lighting, ground cover, hedges, trees and landscaping shall be maintain by the Owner of property.

18.2 An Officer may accept alternatives in relation to the maintenance of approved site plan conditions, provided that the intent of the original condition is maintained.

## **19.0 Orders**

19.1 If an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person, to:

- (a) discontinue the contravening activity,
- (b) do or take any action to correct the contravention.

19.2 An Order under Section 19.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention;
- (b) the location of the property on which the contravention occurred; and
- (c) either:
  - (i) in the case of an Order under Section 19.1 (a), the date by which there must be compliance with the Order; or
  - (ii) in the case of an Order under Section 19.1 (b), the action to be done and the date by which the action must be done.

19.3 An Order made under this By-law shall be served to:

- (a) the Person the Officer believes contravened this By-law; and
- (b) such other Persons affected by the Order as the Officer making the Order determines.

19.4 An Order under Section 19.1 (b) may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into effect.

19.5 An Order under this By-law that is not appealed within the time referred to in Section 19.1 (b) shall be final and not subject to further review.

19.6 In default of any work required by an Order under Section 19.1 (b) being done by the Person directed or required to do it, the work may be done by the Township at the Person's expense. For the purposes of this section, the Township and its employees, contractors, suppliers of goods and services, agents and representatives may enter upon property at any reasonable time.

19.7 Where the Township and its employees, contractors, suppliers of goods and services, agents and representatives perform the work required to bring about compliance with an Order, the Township may recover the costs of doing any thing or matter under this By-law by action of by adding the costs to the tax roll and collected in the same manner as taxes.

19.8 No Person shall fail to comply with an Order issued pursuant to this By-law.

20.0 **Service**

20.1 A document, notice, decision or Order issued in accordance with this By-law, shall be served using one or more of the following methods of service noted in Column A below and is deemed served on the date noted in Column B below:

COLUMN A Method of Service	COLUMN B Deemed Date of Service
Personal	Date personally delivered to person to whom it is addressed
Posted in a conspicuous place on the property	Date posted on the property
Email	Date email is sent to the person’s last known email address
Regular/Registered Mail	Seven (7) days after the date of mailing to the person’s last known mailing address

20.2 For the purposes of this By-law, a person’s last known address and electronic mail address includes an address and electronic mail address provided by the person to the Township as may be required by a form, practice or policy under this By-law and includes a tax roll address.

20.3 Where service is affected by multiple methods, the date of service shall be on the earliest applicable date.

21.0 **Enforcement And Penalty Provisions**

21.1 The enforcement of this By-law shall be conducted by an Officer.

- 21.2 An Officer may enter on the property at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- (a) the By-law is complied with;
  - (b) a direction or Order of the Township pursuant to the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, or made under this By-law is complied with; or
  - (d) an Order pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, is complied with.

21.3 For the purposes of an inspection under this By-law, an Officer may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) require information from any Person concerning a matter related to the inspection; and
- (c) 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.

21.4 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.

21.5 Every Person who contravenes any provision of this By-law, including failing to comply with an Order issued pursuant to this By-law, or an Order issued pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001*, as amended, is guilty of an



offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, and the *Municipal Act, 2001, S.O. 2001*, as amended.

21.6 Any Person who is charged with an offence under this By-law, or an Order issued pursuant to this By-law, or an Order issued pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001*, as amended, or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the *Municipal Act, 2001, S.O. 2001*, as amended, to the following:

- (a) on a first offence, to a fine not more than \$50,000.00; and
- (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

21.7 Every Person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

21.8 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

21.9 Every Person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

21.10 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

21.11 If a Person convicted of an offence for contravening a provision of this by-law or an Order made under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person, to correct the contravention in such manner and within such period as the court considers appropriate including prohibiting the continuation or repetition of the contravention.

**22.0 Singular And Plural**

22.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural, where applicable.

**23.0 Severability**

23.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

By-Law Read A First And Second Time This 16<sup>th</sup> Day Of July 2025.

By-Law Read A Third Time And Passed This 16<sup>th</sup> Day Of July 2025.

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Head of Council

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CAO/Clerk