

THE CORPORATION OF THE TOWNSHIP OF LAIRD

By-law Number 1090-23

BEING A BY-LAW FOR THE GOVERNANCE OF YARD MAINTENANCE IN THE TOWNSHIP OF LAIRD.

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, 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 11 of the *Municipal Act, 2001* permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (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 *Municipal Act, 2001* permits 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 131 of the *Municipal Act, 2001*, permits a municipality to prohibit and regulate the use of any land for the storage and leaving 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, 2001* permits a municipality to pass By-laws providing that any person who contravenes any *By-law* of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

AND WHEREAS Section 429 of the *Municipal Act, 2001* permits a municipality to establish a system of fines for offences under a By-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS Section 436 of the *Municipal Act, 2001* permits a municipality 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 whether or not a *By-law* passed under the *Municipal Act, 2001*, or a direction or order made under such a bylaw are being complied with;

AND WHEREAS section 439 of the *Municipal Act, 2001* provides that the owner of a vehicle is guilty of an offence even if the owner is not the driver of the vehicle,

AND WHEREAS Subsection 444(1) of the *Municipal Act, 2001* permits a municipality, if satisfied that a contravention of a *By-law* of the municipality passed under the *Municipal Act, 2001* has occurred, to make an order requiring the person who contravened the By-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

AND WHEREAS Subsection 445(3) of the *Municipal Act, 2001* permits a municipality to require that work be done pursuant to Subsection 445(1) even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force;

AND WHEREAS Subsection 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority under the *Municipal Act, 2001* or any other Act, or under a By-law under the *Municipal Act, 2001* or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide 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 Subsection 446(2) of the *Municipal Act, 2001* provides that a municipality may enter upon land at any reasonable time for the purposes of Subsection 446(1);

AND WHEREAS Subsection 446(3) of the *Municipal Act, 2001* permits a municipality to recover the costs of doing a matter or thing under Subsection 446(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;

AND THEREFORE the Corporation of the Township of Laird **HEREBY ENACTS AS FOLLOWS:**

1. Definitions

In this by-law:

"By-law Enforcement Officer" means a By-law Enforcement Officer or their designate being a "provincial offences officer" as defined in the *Provincial Offences Act R.S.O. 1990 c.P.33*, as amended.

"Corporation" or "Municipality" means the Corporation of the Township of Laird

"Debris" includes refuse, waste, discarded materials or garbage of any kind whatsoever and includes, whether of value or not:

- a) Accumulations of litter, remains, garbage, rubble, waste, construction material
- 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 or are not being used for their intended purposes
- c) Paper, boxes, cartons
- d) Dilapidated or abandoned furniture
- e) Crockery, glass, cans, containers
- f) Garden refuse and trimmings
- g) Post-construction and demolition project building materials
- h) Domestic, commercial and industrial waste
- i) Earth or rock fill
- j) Mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes, or
- k) Clothing or other household linens lying in an unprotected condition.

"Inoperative vehicles" means stored licensed or unlicensed motor vehicles, trailers, boats, snowmobiles being derelict and having missing, damaged, deteriorated or removed parts including, but not limited to wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

"Owner" includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent of the property in connection with which the word is used whether on their own account, or as agent or trustee of any other person, or would receive the rent if the property was let, and shall also include 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 of property.

“Property” means 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 property.

“Yard” means a space, appurtenant to a building or structure, located on the same property as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.

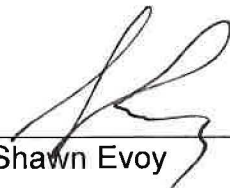
2. Every owner shall ensure that their yard, including vacant lots, is kept clean and free from:
 - a) Grass in excess of 20 cm
 - b) Heavy undergrowth and excessive growth of weeds, bushes, and hedges
 - c) Dead, decaying or damaged trees or other natural growth, or branches or limbs that create an unsafe condition
 - d) Dead decaying or damaged trees or other natural growth or branches or limbs
 - e) Debris that constitutes an unsafe condition
 - f) Debris
 - g) Broken glass from any source including glass from windows, doors and vehicles
 - h) Holes, pits, excavations or trenches constituting an unsafe condition
 - i) Inoperative, wrecked or dismantled vehicles or other machinery or any part thereof, except in an establishment licensed or authorized to conduct and operate such a business
 - j) Damaged structures that are dilapidated, collapsed, abandoned or partially constructed
 - k) Damaged fences that are dilapidated, collapsed, abandoned or partially constructed
 - l) Abandoned or discarded appliances such as refrigerators, stoves and freezers
 - m) Post-construction or –demolition material resulting from, or as part of, construction or demolition projects
3. Where a yard is in any of the aforementioned conditions, the Corporation shall notify the owner of the property in writing of the breach of a condition of this by-law.
 - a) The owner shall have minimum of ten (10) days to bring the yard into compliance with the provisions of this by-law.
 - i. The owner may request from the By-law Enforcement Officer or designate an extension of time to achieve compliance.
 - ii. The By-law Enforcement Officer or designate may extend compliance for a reasonable time.
 - iii. The reasonable time for compliance shall be determined by the By-law Enforcement Officer or designate.
4. After a reasonable time and in accordance with s. 436 of the *Municipal Act*, 2001, the By-law Enforcement Officer or designate or agent of the Corporation may enter onto the property for an inspection for the purpose of determining if compliance has been achieved.
5. If, after an inspection under s.4 and after such a reasonable time to achieve compliance as set out in s.3 has passed, the By-law Enforcement Officer or designate determines that the property or any portion thereof remains in a non-compliant condition, the Corporation may enter the property and perform the work necessary or authorize the entry and performance of the work. The work shall be done at the expense of the owner of the property and the cost of such work and any associated administrative fees shall be then due and payable to the Corporation that shall recover the expense in the same manner as municipal taxes.

6. No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, the By-law Enforcement Officer or designate or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
7. No person shall provide false information or give a false statement to a By-law Enforcement Officer or designate or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
8. Every person shall comply with any Order or Notice issued under the authority of this by-law.
9. Without limiting s.5, the Corporation may, in conjunction with bringing the property and yard into compliance with this by-law, proceed with prosecution of the Owner for breach of the terms of this by-law.
10. 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 in the *Provincial Offences Act R.S.O. 1990 c.P.33, as amended*.
11. If any provision or article of this by-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the by-law and the remaining provisions or article shall remain in effect until repealed.
12. It is hereby declared that each and every of the foregoing provisions of this by-law is severable and that, if any provisions of this by-law should, for any reason, be declared invalid by any court, of competent jurisdiction, it is the intention and desire of the Council of the Municipality of each and every of the then remaining provisions hereof shall remain in full force and effect.
13. Where a provision of this by-law conflicts with the provisions of another by-law, Act, Regulation in force within the Municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.
14. This by-law may be referred to as "The Yard Maintenance By-law".

15. Effective Date

This by-law takes effect on the day of its final passing.

Passed in open meeting this 20th day of July, 2023.

Mayor 
Shawn Evoy

Clerk 
Jennifer Errington

