

**THE CORPORATION
OF THE TOWNSHIP OF ARMSTRONG**

BY – LAW 2022-16

**BEING A BY-LAW FOR MAINTAINING PROPERTY IN A CLEAR AND CLEAN
CONDITION AND TO REPEAL THE PROPERTY STANDARDS BY-LAW 83-04.**

WHEREAS Section 127 of the Municipal Act, 2001 S.O. 2001, c. 25 amended authorizes municipalities to pass by-laws for requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse and debris from the land, not including buildings and to regulate when and how such matters shall be done and to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land and the refine “refuse” for the purpose of the by-law.

AND WHEREAS Section 128 (1) of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes municipalities to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council, are or could become or cause public nuisances.

AND WHEREAS it is deemed desirable to enact this by-law to extend the useful life of individual properties to enhance the quality of communities and neighbourhoods, to protect the safety, health and well-being of the public and to ensure the continued enjoyment of property for residents and property wonders in the Township.

AND WHEREAS Section 446 of the Municipal Act, 2001 S.O. 2001, c. 25 as amended authorizes municipalities to direct that where an owner has defaulted, the municipality may have the default remedied at the owner’s expense and add the cost to the tax roll;

NOW THEREFORE BE IT RESOLVED THAT the Township of Armstrong hereby enacts as follows:

1. Short Title

1.1 This by-law shall be known as the “Clean Yards By-Law”

2. Application

2.1 This by-law shall apply to all properties within the Township of Armstrong;

- a) This by-law shall apply to properties within the Township of Armstrong which are used for residential, commercial and industrial purposes.
- b) This By-law shall **not** apply to agricultural properties within the Township of Armstrong which are used in Normal Farm Practice.

3. Definitions

3.1 “Agricultural Operation” means an agricultural, aqua cultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

3.2 “Farm” means a lot in excess of 4 ha (10 acres), held for the purpose of agricultural use, together with or without its dependent buildings including one single-detached dwelling with private garage as the principal farm dwelling, barns, pens, sheds, and similar accessory building except that in areas where buildings and structures are prohibited such uses shall refer only to the land.

3.3 “Normal Farm Practice” means a practice that,

- a) Is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
- b) Makes use of innovative technology in a manner consistent with proper advanced farm management practices.

3.4 “Notice” means a Notice as set out in Appendix ‘A’ of this by-law

3.5 “Order” means an Order as set out in Appendix ‘B’ of this by-law

3.6 “Occupant” means the registered owner of the property, tenant or occupant or person for the time being managing or receiving the rent from the property, whether on his or her own account or on account of an agent or trustee of and person or and one of the aforesaid.

3.7 “Officer” means a Municipal Bylaw Officer appointed by Council of the Township of Armstrong, an agent and/or his or her designate assigned the responsibility for enforcing and administering this by-law and shall include the Ontario Provincial Police or any other police agency.

3.8 “Person” means an individual, firm, corporation, association or partnership and shall include the occupant as defined in Section 3.6 above.

3.9 “Property” means and parcel of land or registered lot and, without limiting the generality of the foregoing, shall mean lands and premises appurtenant to a building or structure whether residential, commercial or industrial and includes a vacant property, but shall exclude any building or structure.

3.10 “Refuse or Debris” means any article, thing, or matter that has been cast aside or discarded or abandoned, whether of any value or not, or that has been used up in whole or part, or expended, or worn out in whole, or in part; and

Without restricting the generality of the foregoing, refuse or debris may include:

- a) Garbage, rubbish, junk or litter.
- b) Excessive accumulations or piles of grass clippings, tree and garden cuttings, brush and leaves which are not part of a horticultural or composting process
- c) Unusable containers such as crockery, dishes, glassware, bottles, plastic containers and cans
- d) Discarded paper, paper products, cardboard, clothing
- e) Discarded weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks
- f) Any unused abandoned, dismantled, or innovative vehicle, or any vehicle which is not licensed with a currently validated licence plate pursuant to the provisions of the highway traffic
- g) Any wrecked, dismantled, discarded vehicle or automotive parts or accessories, mechanical parts, mounted or unmounted tires, accessories or adjuncts to any vehicle or mechanical equipment
- h) Any all-terrain vehicle, motor home, motorized snow vehicle, motorized recreational vehicle or camper, traction engine, farm or lawn tractor, road-building machine or a vehicle drawn, propelled or driven by any kind of power including horse power or man power, boat, watercraft or trailer or part thereof, which is unlicensed and/or wrecked, discarded, dismantled, inoperative or abandoned condition unless it is necessary for the operation of a business lawfully situated on the property
- i) Broken concrete or asphalt pavement, patio/sidewalk slabs, unusable building materials
- j) Discarded, unused or waste materials resulting from or part of construction, alteration, repair or demolition of any building or structure or old or decayed lumber
- k) Rubbish, junk, debris, objects or conditions that may create a health, fire or accident hazard
- l) Dilapidated, collapsed or partially constructed structures which are not currently under construction or repair
- m) Discarded, dead, diseased, decayed or damaged tree or bush

3.11 “Repair” means the provisions of such facilities and the making of additions or alterations or the taking of such actions as in restoring, renovating or mending as may be required so that the property shall conform to the established By-Law.

3.12 "Stagnant Water" means non-flowing, motionless or stale water that has remained in a location for a period exceeding four days as observed or recorded by an officer as defined in 3.7

3.13 "Township" means the Township of Armstrong

3.13 "Vehicle" means a motor vehicle, any all-terrain vehicle, motorhome, motorized snow vehicle, motorized recreational vehicle or camper, traction engine, farm or lawn tractor, road building machine or a vehicle drawn, propelled or driven by any kind of power including horse power and man power, including a boat, watercraft or trailer or part thereof.

4. SCOPE

4.1 This by-law does not apply so as to prevent a farm operation or practice meeting the definition of "Agricultural Operation" and "Normal Farm Practice" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended from carrying out a normal farm practice as provided for and defined under that Act and as defined above.

5. PROPERTY MAINTENANCE STANDARD

5.1 Every owner, tenant or occupant of property shall maintain said property clean and free from refuse and/or debris as defined in Section 3.

5.2 Every owner, tenant or occupant of property shall cut grass, weeds or noxious weeds or brush which has reached heights in excess of 20 cm (8 inches) Noxious weeds shall be defined by the Weed Control Act R.S.O. 1990, Chapter W.5 as amended;

5.3 Every owner, tenant or occupant shall keep hedges and trees adjacent to a public sidewalk, walkway or roadway cut and trimmed so as to allow safe unhindered passage

5.4 Every owner, tenant or occupant shall keep their property free and clear of stagnant water. This section shall **not** apply to property designated as Environmentally Sensitive Policy Areas or Provincially significant wetlands as designated in the Township of Armstrong Official Plan or Provincial Policy Statements, or to marshes, swamps, bogs, fens, natural bodies of water, storm water retention ponds and recreational types of ponds, or swimming pools which are maintained in accordance with all applicable by-laws and legislation.

5.5 No person shall throw, place or deposit any refuse or debris as herein defined on any property within the Township of Armstrong without the written consent of the property owner. Any person throwing, placing or depositing refuse or debris on any property without the written consent of the owner is guilty of an offence.

5.6 Every owner, tenant or occupant shall keep their property free and clear of infestations of injurious insects, termites, rodents, vermin or other pests.

6. LIABILITY

6.1 Pursuant to Section 448 of the Municipal Act S.O. 2001, c. 25, as amended, no proceeding for damages or otherwise, shall be commenced against a member of council or an officer, employee or agent of the municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law for any alleged neglect or default in the performance in good faith of the duty or authority.

7. RIGHT OF ENTRY

7.1 Pursuant to Section 435 and 436 of the Municipal Act S.O 2001, c. 25 as amended, an officer may enter upon property, at any reasonable time, for the purpose of carrying out inspections of or on such property to determine whether or not provisions of this by-law are being complied with.

7.2 In accordance with the provisions of the Municipal Act S.O 2001, c. 25, as amended, Section 426 (1), no person shall hinder, interfere with, or otherwise obstruct, either directly or indirectly, an officer in the lawful exercise or power or duty under this by-law

8. ADMINISTRATION AND ENFORCEMENT

8.1 When any property is not maintained to the requirements of this by-law, the Officer may notify the owner, tenant or occupant or other person responsible for the maintenance of the property, using Notice Appendix 'A' hereto, directing that the property be made to comply with the provisions of the by-law within a defined period of time, but not less than seventy-two (72) hours from the date of Notice.

8.2 Notice shall be in the form as set out in Appendix "A" to this by-law.

8.3 Where a Notice has been sent pursuant to Section 8.1 and the requirements of the Notice have not been complied with, the Officer may issue an Order that the work be done by the Township or its designate at the expense of the owner, tenant or occupant. The Township may recover costs of doing a matter or thing 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 pursuant to Section 446 (3) of the Municipal Act S.O 2001, c. 25, as amended. The Municipality has the option to apply a reasonable Administration fee to this process should it be necessary.

8.4 An Order shall be in the form as set out in Appendix "B" to this by-law.

8.5 In the case of a health, safety or fire hazard, an Officer may order that the said hazard be removed forthwith without the Notice as described in Section 8.1 being completed.

8.6 Where work is done pursuant to Section 8.3 for the removal of any refuse or debris removed from the property, may be immediately disposed of by the Township, at the expense of the owner, tenant or occupant or other person responsible for the maintenance of the property.

9. SEVERABILITY

9.1 If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

10. PENALTY SECTION

10.1 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

10.2 In addition to the foregoing penalties, where a vehicle that has been found to be in violation of this by-law has been removed, impounded, restrained or immobilized according to Section 170 (15) of the Highway Traffic Act, R.S.O. 1990, as amended, all costs associated with the removal, impoundment, restraining or immobilization will be the responsibility of the registered owner of the vehicle.

11. EFFECTIVE DATE

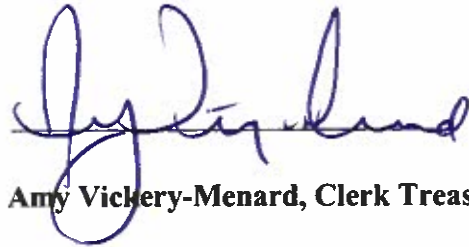
11.1 That this by-law shall come into force and take effect upon passing.

11.2 That all other by-laws or resolutions, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME in Open Council and finally passed under the hands of the Mayor, Clerk and Seal of the Corporation on this 13th day of April, 2022.

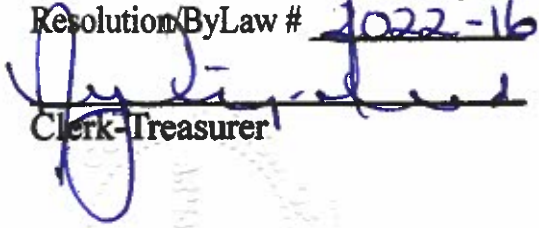


Jean Marc Boileau, Mayor



Amy Vickery-Menard, Clerk Treasurer

I hereby certify this to be a true copy of
Resolution By Law # 2022-16



Clerk-Treasurer

APPENDIX "A"



NOTICE

Issued pursuant to Section 8 of By-Law 2022-16 for
Maintaining Property in a Clear & Clean Condition

TOWNSHIP OF ARMSTRONG

35 10th St E, Earleton, ON P0J 1E0

705-563-2375

DATE ISSUED: _____

ISSUED TO: _____

CIVIC ADDRESS/MAILING ADDRESS: _____

REFERENCE: _____

ROLL NUMBER: _____

An inspection revealed that a provision(s) of By-Law 2022-16 being contravened. You are hereby directed to correct the violation(s) listed below by _____, 20____ at ____ a.m./p.m.

(date/time)

Failure to correct the violations by the time shown above will result in an Order being issued pursuant to Section 8.3 of By-Law 2022-16. This Order will allow the Township to correct the violations at your expense. Charges may also be laid pursuant to Section 10 of the By-Law. This Notice **DOES NOT AUTHORIZE** continuance of the violation(s)

MUNICIPAL BY-LAW	VIOLATION(S)

If you wish to discuss this matter further with the Officer, please contact the undersigned during regular office hours, Monday to Friday at (705)-563-2375.

Officer Name & Signature: _____

Date and Time: _____

APPENDIX "B"



ORDER
TO OWNER, OR LESSEE OR OCCUPANT

PURSUANT TO SECTION 8
BY-LAW 2022-16 FOR
MAINTAINING PROPERTY IN A CLEAR & CLEAN CONDITION

(Date)

(Name and address of Owner, occupant, lessee)

RE: (Property address)
(Roll Number)

On INSERT DATE, a Notice was issued to you pursuant to Section 8 of the Township of Armstrong By-law 2022-16 providing for property owners to maintain their yard in a clean and clear condition. This Notice directed you to correct the violations listed below.

VIOLATIONS

(List all violations and state section(s) of by-law that property is violating)

You have failed to correct the violations. As a result, this Order is being issued that allows the Township to correct the violations. The Township may recover costs of doing a matter or thing 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 pursuant to Section 446 (3) of the Municipal Act S.O 2001, c. 25, as amended. The Municipality also has the option to apply a reasonable Administration fee to this process should it be necessary.

You are, therefore, required to either immediately make your property comply or appear before me to make representation as to why compliance is not necessary. You must arrange to meet me before **(Insert compliance date)** by contacting the office of the Township of Armstrong.

If no meeting is arranged by you, your property will be re-inspected for compliance on **(Insert Compliance Date)**. If the property is not in full compliance on this date, the work will be undertaken on INSERT DATE. Any refuse or debris removed from the property will be immediately disposed of by the Township. It is anticipated that the costs associated with this work will exceed XXX.

I thank you in advance for your cooperation in our efforts to maintain a high level of property standards.

Yours Truly,

Officer
CORPORATION OF THE
TOWNSHIP OF ARMSTRONG

SCHEDULE "A"



**BY-LAW 2022-16 FOR
MAINTAINING PROPERTY IN A CLEAR & CLEAN CONDITION**

ITEM NUMBER	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Fail to keep property clean	5.1	\$200.00
2	Fail to keep property free of refuse	5.1	\$200.00
3	Fail to keep property free of debris	5.1	\$200.00
4	Fail to keep property free from long grass in excess of 20 cm in height	5.2	\$200.00
5	Fail to keep property free from noxious weeds	5.2	\$200.00
6	Failure to trim trees and hedges adjacent to sidewalks, walkways or roadways	5.3	\$200.00
7	Fail to keep property free from stagnant water	5.4	\$200.00
8	Placing, throwing, depositing refuse or debris without permission of property owner	5.5	\$200.00
9	Fail to keep property free from infestations, injurious insects, or termites	5.6	\$200.00
10	Fail to keep property free from infestations of rodents, vermin or other pests	5.6	\$200.00
11	Fail to comply with Notice	10.1	\$400.00
12	Fail to comply with Order	10.1	\$400.00

NOTE: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act. R.S.O. 1990. C.P.33