

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 33-2024

**Being a by-law requiring properties to be
maintained and kept clear of waste (Clean Yard)**

WHEREAS as per the *Municipal Act* S.O 2001, section 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 11(2) of the *Municipal Act*, 2001, provides, inter alia, that a municipality may pass by-laws respecting the 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 provides that a local municipality may require the owner or occupant of land to clean and clear land, not including buildings, or to clear refuse or debris from the land, not including buildings; regulate when and how cleaning and clearing is to be done; and prohibit the depositing of refuse or debris without the consent of the owner or occupant of land;

AND WHEREAS section 128 of the *Municipal Act*, 2001 provides that a municipality may 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 *Municipal Act*, 2001 provides that a local municipality may 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 Sections 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001 provides that a municipality may delegate its administrative and hearing powers;

AND WHEREAS Section 391 of the *Municipal Act*, 2001 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 434.1 (1) of the *Municipal Act*, 2001, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under the *Municipal Act*, 2001;

AND WHEREAS the Council for the Town of Hawkesbury considers it desirable and necessary to provide for a system of Administrative Penalties and Administrative Fees for its designated by-laws, or portions of its designated by-laws;

AND WHEREAS the Council does believe the proliferation of temporary storage structures made of plastic and metal or similar materials to be a detriment to the streetscapes and a visual nuisance, and;

AND WHEREAS due the functional nature of these structures, the Council of the Corporation of the Town of Hawkesbury does believe a level of control should be placed on the installation of these structures in order to achieve a balance between function and the impact on the visual nature of the municipality.

AND WHEREAS the Municipal Council of the Town of Hawkesbury deems it necessary to update By-law N° 14-2007, as amended and adopted on March 26, 2007.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

DEFINITIONS

1. For the purpose of this By-law;
 - a) **Accessory item** shall mean items such as fence(s), swimming pools, spa(s), hot tub(s), gazebos, shed(s) or any type of motorized vehicle(s).
 - b) **By-law Enforcement Officer** shall mean a Municipal By-law Enforcement Officer or other person appointed by or under the authority of a Town by-law and a police officer employed by the Ontario Provincial Police (OPP).
 - c) **Commercial zone** shall mean properties that are zoned commercial as per the Zoning By-law N° 20-2018 as amended by the Corporation of the Town of Hawkesbury.
 - d) **Construction material(s)** shall mean any types of wood, gypsum, metal, tools, roofing material(s), nails, screws, bricks, tiles, cement, asphalt, siding, paint, gravel sand, or any other related material(s).
 - e) **Dwelling unit** shall mean a room or room in which a kitchen, living quarters and sanitary conveniences are provided for exclusive use of the residents and with a private entrance from the outside of the building or from a common hallway or stairway inside.

- f) **Graffiti** shall mean writing, drawing, or symbols applied to any surface, and includes scribbles, scratches and/or sprayed illicitly on a wall or other surface. Graffiti ranges from simple written words to elaborate wall paintings.
- g) **House extension** shall mean any balcony, porch, deck, landing or car port.
- h) **Industrial zone** shall mean properties that are zoned industrial as per the Zoning By-law N° 20-2018 as amended of the Corporation of the Town of Hawkesbury.
- i) **Infestation** shall mean the overrunning of a property by vermin, any type of rodents, insects or vegetation.
- j) **Person** shall mean an individual human being, a corporation, firm, partnership, unincorporated association or organization, their heirs, executors, assigns, administrators, agents, trustees or other legal representatives of a person with or without share capital, any association, firm, partnership or private club of a person to whom context can apply accordingly.
- k) **Property** shall mean any and all land privately owned including yards, vacant or built lots and any part of a lot which is not beneath a building.
- l) **Residential Zone** shall mean properties that are zoned residential as per the Zoning By-law N° 20-2018 as amended of the Corporation of the Town of Hawkesbury.
- m) **Town** shall mean the Corporation of the Town of Hawkesbury.
- n) **Waste** shall include refuse, garbage or debris of any kind whatsoever and without limiting the generality of the foregoing includes rubbish, wrecked, dismantled, inoperative or unused vehicle(s), machinery, boat(s), aircraft(s) or mechanical equipment or any part thereof or any vehicle that do not have a current validated permit or valid number plate displayed thereon as required under the *Highway Traffic Act*, 1990, or any boat that does not have the license required under the Small Vessel Regulations, furnaces, water and fuel tanks, furniture, refrigerators, freezers, stoves and other appliances whether operative or inoperative, glassware, plastic, cans, paper, cardboard, garden refuse, kitchen table waste, animal faeces, grass clippings, leaves, trees, tree branches, earth or rock fill, snow, material from construction or demolition projects, clothing and bedding.
- o) **Yard, exterior side** shall mean a side yard immediately adjacent to a public street.

Yard, front shall mean the space extending across the full width of a lot between

the front lot line and the nearest part of any main wall of any building or structure on the lot.

- p) **Yard, rear** shall mean the space extending across the full width of a lot between the rear lot line and the nearest part of any rear wall of any main building or structure on the lot. In the case of a lot with no rear lot line, the rear yard shall be the area between the point where the side lot lines meet and the nearest part of any rear wall of any main building or structure and the lot and extending the full width of the lot.
- q) **Yard, side** shall mean the space extending from the front yard to the rear yard and from the side lot line to the nearest part of any side wall of any building or structure on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.
- r) **Temporary use** shall mean a use established for a fixed period of time by By-law under Section 38 of the Planning Act, R.S.O., 1990, as amended, with the intent to discontinue such use upon the expiration of the time period.
- s) **Structure** shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.
- t) **Temporary storage structure** shall mean any manufactured structure kit fabricated of plastic and metal or treated fabric and metal or any structure that is erected for the purpose of providing a tarp type roof cover and, or including side wall panels over goods, materials, motor vehicles or leisure vehicles.

GENERAL PROVISIONS

1. When any property is not maintained pursuant to the requirements of the present By-law, the By-law Enforcement Officer shall send a notice to remedy violation by registered mail or personal service to the owner at their last known address shown on the last revised assessment roll, or to the last known address, requiring them to make the property conform to the requirements of this By-law, and the notice shall specify the time allowed for compliance. Said notice shall clearly indicate that no further notices to remedy violation will be sent for the same offence, and that a penalty notice will be issued thereafter, pursuant to section 3.0 of By-law N° 8-2024 (Administrative Monetary Penalty System), or the work will be done at the owner's expense.
2. Every Notice to remedy violation sent by an officer shall identify the land or structure which is the subject of the Notice to remedy violation.

3. A By-law Enforcement Officer may, at all reasonable times and upon producing proper identification, enter upon any property for the purpose of inspecting the property to determine if the property conforms to the standards prescribed in the present by-law, and may be accompanied by such other persons as they deem necessary to properly carry out their duties under this By-law.
4. The Town and any officer shall be entitled to remove any items to remedy or rectify any contravention of this By-law and any such items that are removed in accordance with this section may be disposed of immediately in the sole and absolute discretion of the Town, and any officer, which decision shall be final.
5. No person shall store, keep, dump, throw or blow away any waste on any property either belonging to this person, on another person's property or any property belonging to the Town or cause such waste to remain thereon.
6. No person shall cause or allow any snow to be dumped, thrown, placed, pushed or deposited onto any property within the Town without prior written authorization from the owner or occupant.
7. No person shall place out on the roadway for disposal any refrigerators, freezers or similar appliances or containers without having first removed all doors and all locks therefrom or taking such other adequate precautionary measures to prevent any person from being trapped in such refrigerators, freezers or similar appliances or containers.
8. Refrigerators or freezers in working order, secured with an external locking device, and locked at all times, except when actually being used and supervised, are authorized in the side yards and back yards. No person shall keep such refrigerators or freezers in the front yard or the exterior side yard.
9. No person shall fail to ensure their hedges, bushes and vegetation other than weeds and turf grass, are trimmed on a regular basis within any Residential, Commercial and Industrial Zones. No person shall fail to trim or cut weeds or turf grass on his or her land, whether dead or alive, that are more than 20 cm (7.8 inches) in height.
10. No person shall fail to keep all yards clean and free from any dead, decayed, diseased, or damaged trees, bushes, leaves or hedges and branches or limbs thereof which are susceptible of creating an unsafe or unsightly condition, a fire or accident hazard, or of causing damages to the property or neighboring properties, house extensions, or accessory items.
11. No person shall fail to keep clean and maintain water in a swimming pool, hot tub, wading pool, or artificial pond. Furthermore, no person shall maintain water

in such a condition that it is unhealthy, unsanitary, stagnant, malodorous or becomes a breeding place for insects.

12. No person shall fail to ensure that their land is free and clear of any type of infestation;
13. No person shall fail to keep clean, and the grass maintained on a regular basis of all built or vacant and non-forested properties in Residential Zones of less than 929 m² (10 000 sq.f.) including the grass and weeds on the highway abutting the owner's property, wherever such highway is reasonably accessible for maintenance.
14. No person shall fail to keep clean, and the grass maintained on a regular basis on a depth of 30 m (100 feet) from the lot line of all built or vacant and non-forested properties of more than 929 m² (10 000 sq.f.) abutting a residential dwelling.
15. No person shall fail to grade and to cover with grass any property in a Residential Zone to prevent erosion, sedimentation and soil absorption.
16. No person shall keep or store on any property any used motor vehicle(s) for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition.
17. No person shall fail to keep his/her property free of holes or excavations which may create health or accident hazards, in accordance with property standards by-law.
18. No person shall fail to eliminate noxious plants, as defined by the *Weed Control Act*, R.S.O. 1990, c.W 5, such as ragweed, poison oak and poison ivy from any property.
19. Nothing in this by-law shall be deemed to interfere with the filling or raising of properties with earth or rock fill done while building operations in process or the disposal of waste on any lands which have been designated for that purpose by by-law of the Town.
20. A balcony, porch, deck or landing shall be maintained free from accumulation of refuse, debris or rubbish and any conditions that might create a health, fire or accident hazard.
21. No person shall place, cause, or permit graffiti to be placed on any property within the Town. Every owner shall always maintain property free of graffiti.

22. Notwithstanding any other provision in the Zoning By-law N° 20-2018, temporary vehicle enclosures, commonly known as 'Tempos', may be permitted in accordance with the following special provisions:

- 22.1. The installation does not take place before **October 15** of the current year and the removal is completed by **April 15** of the following year.
- 22.2. When located in a front or exterior side yard, the temporary car enclosure is a minimum of 1m from the front or exterior side lot line, provided that the temporary car enclosure does not create a visibility issue that leads to safety concerns.
- 22.3. When located in an interior side yard, the temporary car enclosure is a minimum of 0.3m from the interior side lot line.

ENFORCEMENT

- 23. No person shall interfere, obstruct or hinder in any way the By-law Enforcement Officers in the enforcement of the provisions of the present by-law.
- 24. The provisions of this By-law shall be enforced by a By-law Enforcement Officer, or other individual duly appointed for the purpose of enforcing this By-law.

OFFENCES AND PENALTIES

- 25. Any person who contravenes any provision of this By-law shall be liable to pay the Town an Administrative Monetary Penalty, upon issuance of a penalty notice in accordance with the Town of Hawkesbury's Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time.
- 26. Each day of contravention to the present by-law is a distinct offence.
- 27. Where notice has been sent by the By-law Enforcement Officer pursuant to Section 1 of this by-law and the requirements of the notice have not been complied with, the By-law Enforcement Officer may cause the work to be done and the Town may recover such expense plus an administration fee of 15% by action or in a like manner as municipal taxes. The waste that is removed in accordance with the present section shall be immediately disposed of by the By-law Enforcement Officer.
- 28. In addition to the imposition of a fine, penalty or other remedy, a court of competent jurisdiction may, upon conviction of an offence under the by-law, issue an order prohibiting the continuation or repetition of the violation by the person

convicted and order the remedy of the derogatory situation.

SEVERABILITY

29. If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal, inoperative, or ultra vires, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

SHORT TITLE

30. This By-law shall be cited as the Clean Yards By-Law.

ENACTMENT

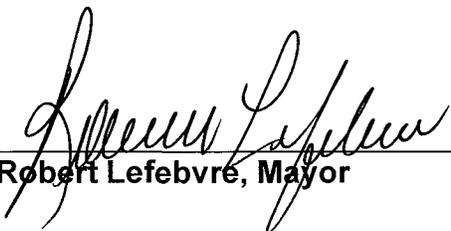
31. That By-law N° 14-2007 and all amending by-laws are hereby repealed.

32. That Schedule "A-5" be added to be part of Schedule A "Designated by-laws" of By-law N° 8-2024 Administrative Monetary Penalty System.

EFFECTIVE DATE

33. That this by-law shall come into force on the date of its passing.

READ FIRST, SECOND AND ADOPTED UPON THIRD READING THIS 13th DAY OF MAY 2024.



Robert Lefebvre, Mayor



Sonia Girard, Clerk

Schedule "A-4"

By-law N° 33-2024

**Being a by-law requiring properties to be
maintained and kept clear of waste (Clean Yard)**

Item#	Clean Yard	BY-LAW N° 33 -2024	Penalty Amount
1.	Store, keep, dump, throw or blow waste on any property.	Sec. 5	300.00
2.	Cause or allow any snow to be dumped, thrown, placed, pushed or deposited onto any property without prior written authorization.	Sec. 6	300.00
3.	Place for disposal refrigerators, freezers or similar appliances or containers without having removed all doors and all locks or taking other measures.	Sec. 7	300.00
4.	Fail to keep locked at all times refrigerators or freezers kept outside	Sec. 8	300.00
5.	Keeping outside in the front yard or the exterior side yard a refrigerator or freezer	Sec. 8	300.00
6.	Fail to maintain on a regular basis hedges and bushes	Sec. 9	200.00
7.	Fail to keep all yards clean and free any dead, decayed or damaged trees, bushes or hedges and branches	Sec. 10	250.00
8.	Fail to keep and maintain water in a swimming pool in such a condition that it is unhealthy, unsanitary	Sec. 11	350.00
9.	Fail to ensure that their land is free and clear of infestation	Sec. 12	350.00
10.	Fail to keep clean and the grass maintained on a property of less than 929 m ² ,	Sec. 13	350.00

11.	Fail to keep clean and the grass maintained on a depth of 30 m of lots abutting a residential dwelling.	Sec. 14	350.00
12.	Fail to grade and to cover with grass any property in a Residential Zone.	Sec. 15	300.00
13.	Keep or store any used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them.	Sec. 16	350.00
14.	fail to keep his/her property free of holes or excavations which may create health or accident hazards.	Sec. 17	300.00
15.	Fail to eliminate noxious plants from any property.	Sec. 18	300.00
16.	Failure to keep a balcony, porch, deck or landing free from accumulation of refuse, debris or rubbish.	Sec. 20	300.00
17.	Cause or permit graffiti to be placed on any property within the Township.	Sec. 21	300.00
18.	Failure to remove, properly install a temporary vehicle enclosure.	Sec. 22	300.00
19.	Interfere, obstruct or hinder By-law Enforcement Officers	Sec. 23	500.00