

**THE CORPORATION OF THE TOWN OF PERTH  
BY-LAW NO. 5162**

**Being a By-law to provide minimum standards for maintaining yards in a clean and clear condition**

**1. RECITALS:**

- 1.1 Sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended (the "Act") allow 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;
- 1.2 Section 127 of the Act permits a municipality to:
  - (a) require an owner or occupant of land to clean and clear land, not including buildings, or to clear refuse or debris from land, not including buildings;
  - (b) regulate when and how such matters shall be done;
  - (c) prohibit the disposal of refuse or debris on land without the consent of the owner or occupant of the land; and,
  - (d) define refuse for the purpose of this section.
- 1.3 Section 128 of the Act permits a municipality to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;
- 1.4 Section 131 of the Act provides that a 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;
- 1.5 Sections 434.1 of the Act establishes 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 of the municipality passed under the Act.
- 1.6 Section 434.2 of the Act further establishes that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality, and if such administrative penalty is not paid within 15 days after the day that it becomes due and payable, the municipality may add the administrative penalty to the tax roll and collect it in the same manner as municipal taxes;

- 1.7 Sections 435 and 436 of the Act establishes the conditions under which an employee, officer or agent of the municipality may enter onto private property for the purpose of carrying out an inspection to determine whether a by-law is being complied with;
- 1.8 Sections 444 and 445 of the Act state that a municipality can order someone in contravention of a by-law to discontinue the contravening activity or to order this person, a property owner or occupant, or someone who caused or permitted the contravening activity to correct the contravention;
- 1.9 Section 446 of the Act states that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a thing, the municipality may also provide that, in default of it being done by this person directed or required to do it, the matter or thing shall be done at the person's expense;
- 1.10 The Committee of the Whole has reviewed Staff Report 2024-COW-8.8 and concurs with the recommendation to pass By-law No. 51xx, being a by-law to provide minimum standards for maintaining yards in a clean and clear condition, and to repeal By-law No. 4863.

Accordingly, the Council of The Corporation of the Town of Perth enacts as follows:

## **2. AUTHORIZATION:**

### **2.1 Definitions:**

- 2.1.1 **Act** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 2.1.2 **Art Mural** means a mural depicting a scene or theme for a designated surface and location that has been approved including by the **Owner** and deliberately implemented for the purposes of beautifying the specific location.
- 2.1.3 **By-law** means this **By-law**, as it may be amended from time to time; and Recitals to this **By-law** are all considered integral parts of it.
- 2.1.4 **Clerk** means the Director of Legislative Services/Clerk as appointed by by-law by the Council of the Corporation.
- 2.1.5 **Corporation** means The Corporation of the Town of Perth.
- 2.1.6 **Council** means the elected municipal Council of The Corporation of the Town of Perth.
- 2.1.7 **Compost** means accumulated biodegradable waste.

2.1.8 **Director** means the Director of Legislative Services/Clerk.

2.1.9 **Domestic Waste** means:

- a. garbage, rubbish, junk, refuse, debris 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, or clothing;
- e. discarded weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks;
- f. **Inoperative Motor Vehicles** and **Motor Vehicle** parts including but not limited to tires, mechanical equipment, mechanical parts, accessories and adjuncts to the **Motor Vehicles** and mechanical equipment;
- g. broken concrete or asphalt pavement, patio or sidewalk slabs or unusable building materials;
- h. discarded, unused or waste materials resulting from or as part of construction, alteration, repair or demolition of any building or structure or old or decayed lumber; and,
- i. discarded, dead, diseased, decayed or damaged trees or bushes.

2.1.10 **Graffiti** means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a building, structure, fence, retaining wall, sidewalk, pavement, waste container, trailer, vehicle or other similar feature, that are not an **Art Mural**.

2.1.11 **Industrial Waste** means any article, thing, matter or any effluent usually, but not excessively belonging to or usually, but not exclusively associated with industry of commerce or concerning or relating to manufacture or concerning or relating to any trade business, calling or occupation that appears to be Waste Material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause is hereby declared that Industrial Waste exceeds to the following classes of Waste Material:

- a. Articles, things, matter or effluents, which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
  - i. agriculture, animal, vegetable, paper, lumber or wood products, or
  - ii. mineral, metal, or chemical products,whether or not the products are manufactured or otherwise processed.
- b. Automotive parts, **Inoperative Motor Vehicles**, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the **Motor Vehicles** and mechanical equipment;
- c. Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing, conduits or cable;
- d. Containers or pallets of any size, type or composition;
- e. Material resulting from, or as part of, construction or demolition projects;
- f. Rubble, inert fill;
- g. Bones, feathers or hides;
- h. **Sewage**.

2.1.12 **Inoperative Motor Vehicle** means a **Motor Vehicle** having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunctions, which prevent it from functioning mechanically in the way it was originally designed, or which does not have a currently valid licence plate issued by the Ministry of Transportation.

2.1.13 **Motor Vehicle** means commercial and industrial Motor Vehicle and equipment, automobiles, motorized snow vehicles, off-road vehicles, motorcycles, all-terrain vehicles, trailers, boats, marine equipment, farm equipment, construction equipment, and heavy machinery.

2.1.14 **Naturalized Area** means a portion(s) of a **Yard** where the Owner has re-established a reproducing population of native North American species and/or cultivars, through a combination of natural regeneration and deliberate plantings of native species, not including Noxious Weeds.

2.1.15 **Noxious Weeds** means any of the species designated in the Weed Control Act, R.S.O. 1990, c. W.5, and R.R.O., Regulation 1096.

- 2.1.16 **Officer** means a Municipal By-law Enforcement Officer and/or Property Standards Officer appointed by by-law by the Council of the Corporation.
- 2.1.17 **Owner** means the registered Owner of the property, and for the purpose of this By-law, includes any lessee or tenant, occupant or any person having an interest, whether equitable or legal in the land.
- 2.1.18 **Person** means in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, and agency or any director, officer, manager, or Person in charge of such entity or the collecting of rent of any property, and/or other Person who is the occupier of the property.
- 2.1.19 **Sewage** includes grey water, any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether Domestic Waste or Industrial Waste or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off.
- 2.1.20 **Sight Triangle** means a Sight Triangle as defined in the Corporation's comprehensive Zoning By-law.
- 2.1.21 **Standing and Stagnant Water** includes but is not limited to water that is void of movement by either natural or artificial means and includes moisture or water that may cause health hazards as identified by the local Public Health Unit.
- 2.1.22 **Town** means all property within the geographic limits of the Town of Perth.
- 2.1.23 **Turfgrass** means any of the various grass species typically known for lawns; of a type that forms a dense, even turf when mown (including but not limited to Kentucky Bluegrass, Perennial Ryegrass, Fine Fescue).
- 2.1.24 **Waste Material** means garbage, refuse, debris and other material or effluent (including Domestic Waste and Industrial Waste) that, in the opinion of the Officer.
- a. Appears to have been cast aside or discarded or abandoned; or,
  - b. Appears to be worthless or useless or of no practical value; or,

c. Appears to be used up, in whole or in part, or expended or worn out in whole or in part.

2.1.25 **Yard** means any property located within 40 metres (131.23 feet) of an occupied residential dwelling unit and shall include the portion of any adjacent **Corporation** road allowance between the property line and the edge of the roadway.

### 3. INTERPRETATION

3.1 Legislation governing this by-law shall be as follows:

3.1.1 Municipal Act of Ontario: Municipal Act, 2001, S.O. 2001, c.25, as amended

3.1.2 Weed Control Act of Ontario: Weed Control Act, R.S.O. 1990, c. W.5, as amended

3.2 Construing this By-law:

3.2.1 The section and sub-section names and numbers appearing in this **By-law** are for convenience of reference only and have no effect on its interpretation. This **By-law** is to be read with all changes of gender or number required by the context. The words "include", "includes", "including" and "included" are not to be interpreted as restricting or modifying the words or phrases which precede them.

3.3 Severability:

3.3.1 If a court or tribunal of competent jurisdiction declares any portion of this **By-law** to be illegal or unenforceable, that portion of this **By-law** will be considered to be severed from the balance of the **By-law**, which will continue to operate in full force.

3.4 Conflict with Other By-laws:

3.4.1 Where the provisions of any other by-laws are inconsistent with the provisions of this **By-law**, the provisions of this **By-law** shall prevail.

### 4. ADMINISTRATION:

4.1 Unless otherwise indicated, the administration of this **By-law** is assigned to the **Director**, who may delegate the performance of their functions under this **By-law** from time to time, as occasion requires.

## 5. SCOPE:

5.1 This **By-law** shall apply to the entire area of the **Town**.

## 6. REGULATIONS:

### 6.1 Clean and Clear Yard(s)

6.1.1 Every **Owner** shall keep their **Yard** clean and cleared up and free from conditions that are out of character with the surrounding lands and neighbourhood.

### 6.2 Additional Clean and Clear Yard(s) Requirements

6.2.1 For the purpose of Subsection 6.1.1, "keep the Yard clean and cleared up" includes:

- a. removing dead, decayed or damaged trees or other natural growth and the branches or limbs there of which create an unsafe condition in relation to their environment;
- b. removing, trimming or cutting weeds, **Turfgrass**, **Noxious Weeds**, or ground cover more than 20 centimeters (8 inches) in height, except **Naturalized Areas** as noted in Subsection 6.3;
- c. with respect to vegetation, **Naturalized Areas**, hedges, shrubs and trees:
  - i. if adjacent to a public sidewalk, walkway, street, road or lane cutting and trimming in a manner that allows safe, unhindered passage;
  - ii. preventing the obstruction of windows, doors, drains, walkways, vents and exits and entrances to property or buildings; or
  - iii. if within a **Sight Triangle**, not exceeding the maximum height specified in the **Corporation's** comprehensive Zoning By-law.
- d. not allowing any **Noxious Weeds** to grow;
- e. removing **Standing and Stagnant Water** in the following area(s): birdbaths, boat covers, eavestroughs and rain gutters, excavations capable of holding standing water, empty buckets, wheelbarrows and pots, vehicle tires, abandoned wells, pool cover, plastic containers and bottles, uncovered rain barrels, uncut grass and weeds and untrimmed shrubs, bushes and hedges;

- f. removing objects or conditions that create or may create a health, fire or accident hazard;
- g. removing any domesticated animal excrement; or
- h. removing all **Domestic Waste** or **Industrial Waste** of any kind.

### 6.3 **Naturalized Areas**

- 6.3.1 **Owners** who wish to establish **Naturalized Areas** in their **Yard** not containing **Turfgrass** or **Noxious Weeds** shall be exempt from the requirements of Subsection 6.2.1(b.).
- 6.3.2 Notwithstanding Subsection 6.2.1(b.), **Naturalized Areas** shall comply with all other Subsections in Section 6.2.1.

### 6.4. **Graffiti**

- 6.4.1 Every **Owner** shall clean the exterior of any surface on their property to remove **Graffiti**.

### 6.5 **Unsafe or Hazardous Conditions**

- 6.5.1 No **Owner** shall:
  - a. cause or permit an unfenced or unprotected pit, excavation or other downward slope which may cause a safety hazard in their **Yard**;
  - b. permit any well which is unprotected or the presence of which creates a risk of accident or injury on their **Yard**; or
  - c. keep a swimming pool, hot tub, wading pool or artificial pond, unless it is maintained in good repair and working condition.

### 6.6 **Litter**

- 6.6.1 No **Person** shall throw, place or deposit **Waste Material** on **Corporation** property without the written authority of the **Corporation**.

### 6.7 **Waste Disposal**

- 6.7.1 No **Person** shall use any **Yard** or structure within the **Town** for dumping, burying or disposing of **Domestic Waste** or **Industrial Waste** of any kind.
- 6.7.2 Every **Owner** shall remove any **Domestic Waste** or **Industrial Waste** of any kind in such a manner as may be prescribed in writing by the **Officer**.

- 6.7.3 Without limiting the foregoing, contractors are responsible to ensure the removal of any **Domestic Waste** or **Industrial Waste** of any kind in such a manner as may be prescribed in writing by the **Officer** and in particular are to ensure that none of the waste migrates to adjacent **Yards**.

## 6.8 **Compost**

- 6.8.1 No **Owner** shall establish one or more **Compost** heaps or structures on their **Yard**, except in accordance with the following:
- a. The **Compost** heap or structure is:
    - i. for the sole use of the **Owner** or occupant of the property in which the **Compost** is deposited;
    - ii. limited to being used for the disposal of acceptable compostable material in accordance with standards established by the Ontario Ministry of the Environment, Conservation and Parks and/or the local health authorities;
    - iii. not be located in any front yard, as defined in the **Corporation's Zoning By-law**;
    - iv. no larger than three (3) square metres and 1.8 metres in height provided it is no closer than six (6) metres to any side or rear property line; or
    - v. enclosed on all sides by materials such as concrete block, or lumber, or a commercial plastic container designed for composting, includes a top, and is no larger than 0.6 square metres and 1.0 metres in height provided it is no closer than 1.2 metres to any side or rear property line.

## 6.9 **Vehicles**

- 6.9.1. Except as provided in the Corporation's Zoning By-law, and amendments thereto, no **Person** shall use any **Yard** or structure in the **Town** for storing **Inoperative Motor Vehicles** or used **Motor Vehicles** for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

## 6.10 **Order to Remedy**

- 6.10.1. An **Officer** who finds a **Yard** or structure in contravention of this **By-law** may issue a written Order to the **Owner** of the land or structure requiring compliance with this **By-law** within the time period specified in the Order, but not sooner than 72 hours after the Order is given.

- 6.10.2 The Order shall contain the following information:

- a. the name and address of the Owner of the land or structure;
- b. the property address (if different than the address in 6.10.2a.);
- c. the clause of the By-law that is in contravention;
- d. the date when compliance must be achieved; and,
- e. penalties if compliance is not achieved.

6.10.3 Any Order issued pursuant to this By-law may be given in writing in any of the following ways, and is effective:

- a. when a copy is delivered to the person to whom it is addressed;
- b. on the third (3<sup>rd</sup>) day after a copy is sent by registered mail or by regular letter mail to the person's last known address or the address shown on the last revised assessment roll; or,
- c. upon the sending of the Order or a copy thereof by e-mail transmission to the person's last known email address.

6.10.4 In the event the **Officer** is unable to serve such Order under the provisions of this Section, the Order may be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property **Owner**.

## 6.11 **Right of Entry**

6.11.1 The **Corporation**, for the purpose of inspection and/or remedial action, may enter upon the land, at any reasonable time, with forty-eight (48) hours notice.

6.11.2 A **Person** exercising a power of entry on behalf of the **Corporation** under this **By-law shall**, on request, display or produce proper identification.

## 6.12 **Obstruction**

6.12.1 In accordance with the provisions of Subsection 426(1) the **Act**, no **Person** shall hinder, interfere with or otherwise obstruct, either directly or indirectly, the **Director**, an **Officer**, an employee or agent of the **Corporation** in the lawful exercise or power or duty under this **By-law**.

## 6.13 **Remediation**

6.13.1 Where the **Owner** fails to carry out the requirements of a Order under this **By-law**, the Officer may do or cause to be done the remedial action necessary to meet the requirements of the Order and add all costs to the tax roll to be collected in the same manner as municipal taxes.

6.13.2 Where any matters or things are removed in accordance with Subsection 6.13.1, such matters or things may be immediately disposed of by the **Officer**.

#### 6.14 **Offences and Penalties**

6.14.1 Every **Person** convicted of a breach of the provisions of this **By-law** shall be guilty of an offence as stipulated in Section 425 of the **Act**.

6.14.2 Every **Person** who contravenes any provision of this **By-law** shall, upon issuance of an Administrative Penalty Notice in accordance with the applicable by-law to implement an Administrative Monetary Penalty System (AMPS), is liable to pay to the **Corporation** an Administrative Penalty in accordance with the AMPS by-law, and all such fines shall be recoverable in accordance with the provisions of the AMPS by-law.

6.14.3 If a **Person** is required to pay an Administrative Penalty in respect of a contravention of this **By-law**, the **Person** shall not be charged with an offence in respect of the same contravention.

6.14.4 Any person who is in contravention of any provision of this **By-law**, or who fails to comply with an Order issued under this **By-law** shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.

### 7. **ENFORCEMENT**

7.1 This **By-law** may be enforced by any **Municipal By-law Enforcement Officer** or Property Standards Officer or other individual duly appointed by the Corporation for the purposes of enforcing this **By-law**.

### 8. **CORPORATION NOT LIABLE**

8.1 The **Corporation** assumes no liability for property damage or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any **Person** or property that is subject of this **By-law**.

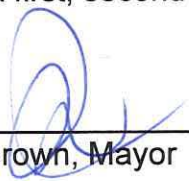
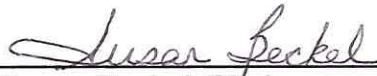
### 9. **SHORT TITLE**

9.1 This **By-law** may be cited as the "Yard Maintenance By-law".

10. **EFFECTIVE DATE**

10.1 This **By-law** shall come into force and effect upon the date of its passing by **Council**.

Read a first, second and third time and finally passed this 18<sup>th</sup> day of June 2024.

  
\_\_\_\_\_  
Judy Brown, Mayor  
\_\_\_\_\_  
Susan Beckel, Clerk

SEAL