

## Corporation of the Township of Howick

### By-law No. 08-2023

---

#### Being a By-law to Regulate the Maintenance of Land and the Cleaning up of Yards in the Township of Howick

---

**WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended ("the Act") 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 Act 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 11(3) of the Act provides that a local municipality may pass By-laws regulating highways under its jurisdiction;

**AND WHEREAS** Section 127 of the Act 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 128 of the Act as amended provides that a local 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 128 (2) of the Act states that the opinion of Council under Section 128 of the Act, if arrived at in good faith, is not subject to review by any court;

**AND WHEREAS** Section 129 (a) of the Act provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

**AND WHEREAS** Section 131 of the Act provides that a local municipality may prohibit and regulate the use of any property 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** Section 425 of the Act 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 436 of the Act permits a Municipality to pass By-laws providing that the Municipality may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a By-law passed under the Act, or a direction or order made under such a By-law are being complied with;

**AND WHEREAS** Subsection 445(1) of the Act permits a municipality, if satisfied that a contravention of a By-law of the municipality passed under the Act, 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 do work to correct the contravention;

**AND WHEREAS** Subsection 445(3) of the Act, 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** Section 446 of the Act authorizes the Municipality to take remedial action, entry onto land, recovery of costs and interest and add the costs to the tax roll;

**AND WHEREAS** the Council of the Corporation of the Township of Howick deems it necessary and expedient to use the powers granted to it pursuant to the aforementioned Sections of the Municipal Act;

**NOW THEREFORE** the Council of the Corporation of the Township of Howick **ENACTS AS FOLLOWS**;

## SECTION 1 – INTERPRETATION

### Short title

- 1.1. This by-law may be cited as the “Clean Yards By-law”.

### Scope and interpretation

- 1.2. The standards for maintenance of land set forth in this by-law are hereby prescribed and adopted as the minimum requirements for all property within the Township for the purposes of enhancing the quality of communities and/or neighbourhoods, to protect the health, safety and well-being of the public, and to ensure the continued enjoyment of property for residents and owners of the Township.
- 1.3. 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.

### Headings

- 1.4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of this by-law.

### Word usage

- 1.5. Words in the present tense include the future or past, singular words shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.

### References to applicable law

- 1.6. All references to applicable law are ambulatory and apply as amended from time to time.

### Conflict

- 1.7. Where there is a conflict between a provision of this by-law and a provision of any other municipal by-law, it shall be at the discretion of the officer to determine which by-law shall apply.
- 1.8. Any provincial or federal act that imposes a higher standard shall supersede this by-law.
- 1.9. In the case of a conflict between this by-law and the permitted uses of the Township’s Zoning By-laws and/or respective site plan agreements, the provisions that establish the highest standards to protect the health and safety of the public shall apply.

### Definitions

- 1.10. For the purposes of this by-law all words shall have their normal and customary meaning save and except for those hereinafter defined:

“**Adjacent**” means immediately next to or adjoining to the front, side, rear, or exterior side of a property;

“**Backyard Compost**” means a collection of humus material such as kitchen and table waste, grass clippings, plant trimmings, weeds or other leaves;

“**Boulevard**” means that portion of every road allowance within the limits of the Township which is not used or intended for use for vehicular travel by the general public and includes any landscaped areas and any driveway apron, but does not include a paved or poured hard-surface sidewalk;

“**By-law Enforcement Officer**” means a person appointed by The Corporation of the Township of Howick for the purposes of enforcement of this By-law;

“**Council**” means the Council of the Corporation of the Township of Howick;

“**Deposit**” includes to throw, place, or put. “Deposited” and “Depositing” have corresponding meanings except when referring to a deposit of money;

“**Derelict Vehicle**” shall mean any vehicle, machinery, trailer, boat, vessel or remnant of part or parts thereof or mechanical equipment:

(a) which has broken or missing parts of such sufficiency so as to render it incapable of being licensed to operate where such licensing as necessary in its current condition but shall not include a motor vehicle actively being repaired or restored by the owner or;

(b) which is in a wrecked dismantled discarded inoperative or abandoned condition.

**“Derelict Motor Vehicle”** means a motor vehicle that is;

(a) inoperative by reason of removed wheels battery motor transmission or other parts or equipment necessary for its operation;

(b) not in a roadworthy condition;

(c) in a state of disrepair or unsightly by reason of missing doors glass or body parts; or

(d) inoperable and appears incapable of use as a means of lawful transportation or has an industry standard book value as a means of transportation that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licensed mechanic but does not include an antique or historic motor vehicle which is actively being restored as a collectors or historic vehicle.

**“Driveway”** Shall mean a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/or egress from a lot.

**“Driveway Apron”** means that portion of any driveway, parking lot, or other hard surface, whether paved, poured, laid, or otherwise constituted, which extends from private property onto the highway;

**“Exterior Side Yard”** has the same meaning as defined in the Township’s Zoning By-law, as amended;

**“Front Yard”** has the same meaning as defined in the Township’s Zoning By-law, as amended;

**“Graffiti”** shall mean one or more letters, symbols, marks, etchings, pictorial representations, messages or slogans, howsoever made, that disfigures or defaces a structure or thing, but does not include any of the following:

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

(b) a sign, public notice or traffic control mark authorized by County, Provincial or Federal law;

(c) authorized art murals;

**“Ground Cover”** shall mean, but is not limited to, grass, weeds and plant materials;

**“Highway”** means a common and public highway, street, avenue, public lane, parkway, driveway, square, place, bridge, viaduct, or trestle, designed and intended for, or used by, the general public for the passage of vehicles and under the jurisdiction of the Township of Howick, and includes the area between the lateral property lines thereof;

**“Infestation”** means the overrunning of a property or part thereof by pests, vermin, rodents and insects.

**“Littering”** without limiting the generality of the foregoing, shall mean throwing, scattering, dropping, placing, dumping or otherwise depositing garbage, rubbish, refuse, paper, paper products, plastic products, cans, metal, wood, brush, compost, mud, soil, yard waste, grass or lawn clippings, leaves or debris, animal feces, animal/fish/bird carcasses, or other debris, except for in a garbage or recycling container intended for such use or placed in an area for waste collection, and “Litter” shall have a corresponding meaning;

**“Motor Vehicle”** means an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power;

**“Motor Home”** means any portable dwelling having no permanent foundation and supported by wheels, jacks or similar supports used or so constructed as to permit it being used as a conveyance upon a highway and licensable as such and designed and intended to permit occupancy for dwelling and sleeping purposes;

**“Naturalized Area”** means a yard, or any portion thereof, containing vegetative growth deliberately implemented to produce ground cover including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native consistent with a managed and natural landscape, other than turfgrass;

**“Noxious Weeds”** means noxious weeds as defined by the Weed Control Act, R.S.O. 1990, as amended;

**“Nuisance”** means a thing or activity that annoys or disturbs a person. In making a determination with respect to an offence under this by-law, the following factors may be taken into consideration:

- (a) the frequency of the activity;
- (b) the intensity and duration of the activity;
- (c) the time of day or season;
- (d) the nature of the surrounding area;
- (e) the effect of the thing or activity on a complainant or complainants; and
- (f) the effect of the thing or activity on the surrounding area;

**“Officer”** means a person appointed as a By-law Enforcement Officer, a Police Officer or any individual duly appointed to enforce the by-laws of the Township, including the Public Works Operations Manager;

**“Owner”** shall mean:

- (a) the registered owner of the property;
- (b) the person for the time being managing or receiving the rent of the land or premises 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 land and premises were let; and
- (c) a lessee or occupant or tenant 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;

**“Person”** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation or an individual in his or her capacity as a trustee, executor, administrator or other legal representatives;

**“Property”** means the entire parcel of land connected to the roll number, street address, or legal description of land, and includes the adjacent boulevard of such land;

**“Public Property”** means property owned or occupied by the Township or any local board or committee thereof;

**“Public Place”** includes a highway and any place to which the public has access as of right or by invitation, express or implied, which may include public property, and private property that is exposed to public view;

**“Refuse”** includes 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 in part, or expended, or worn out in whole, or in part, or has been discharged from its usual and intended use and provided further that waste does not cease to be refuse by reason that it may be commercially saleable or recyclable, and, without limiting the generality of the foregoing shall include:

- (a) garbage, rubbish, junk or litter;
- (b) 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) 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
- (g) something that has been discharged from its usual and intended use;

**“Residential Zone”** means an area zoned as residential in the Township’s Zoning By-law, as amended;

**“Rural Area”** Means lands located outside of settlement areas, including natural environment and agricultural areas.

**“Settlement Area”** means towns, villages and hamlets where development is concentrated, and the surrounding land has been designated for urban development in the Official Plan;

**“Sewage”** means a liquid or water borne waste, of industrial or commercial origin, or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;

**“Sight Triangle”** means an area free of buildings, structures or natural growth higher than 2 feet (61 centimeters) which is determined by measuring from the point of intersection of street lines on a corner lot to a prescribed distance or by measuring from the point of intersection of any street line and driveway to a prescribed distance;

**“Standing Water”** means any body of stagnant water, other than a natural body of water that exists on a permanent basis or is contained within a Township owned stormwater management facility. This does not include standing water that is part of a swimming pool, hot tub, wading pool or artificial pond that is maintained in good repair;

**“Township”** means the Corporation of the Township of Howick;

**“Travel Trailer”** includes a structure or vehicle so constructed that it may be attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle or is self-propelled and is capable of being used for living, sleeping, eating or cooking accommodation of persons, notwithstanding that such vehicle is jacked up and its running gear is removed and shall include tent trailers, vans, motor homes and similar transportable accommodation;

**“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;

**“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle and any vehicle drawn, propelled, or driven by any kind of power including muscular power;

**“Yard”** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property;

**“Zoning By-law”** means a by-law passed by Township Council under the authority of the *Planning Act*.

## SECTION 2 – MAINTENANCE STANDARDS

### Hazards

- 2.1. Every owner shall ensure that land is kept clean and free from debris, objects or conditions that may create a health, fire, or accident hazard.
- 2.2. Every owner shall ensure that all steps, pedestrian walkways, driveways, parking spaces or similar areas on their land are maintained so as to afford clear, unobstructed, and safe passage by pedestrians and vehicles.
- 2.3. No owner shall permit an icebox, refrigerator, freezer, or other container to be placed on any land for disposal without first removing all locks and doors or taking some other adequate precautionary measure to prevent a person from

being trapped inside.

- 2.4. Every owner shall ensure an abandoned or unused well, septic tank or a hole on a property is safely filled in, covered and protected.
- 2.5. Every owner shall ensure all roofs and components of a roof on buildings shall be maintained so as to prevent any snow and/or ice accumulation where there is a risk of injury to any person.
- 2.6. Every owner shall ensure all exterior property areas are kept free from deep ruts and holes.
- 2.7. Every owner shall keep their property free from any standing water.

**Pests**

- 2.8. No owner shall permit injurious insects, termites, rodents, vermin, and other pests to remain on any property.
- 2.9. No owner shall permit any condition that may promote an infestation to remain on any property.

**Refuse and littering**

- 2.10. No owner shall permit refuse to remain on any property.
- 2.11. Section 2.10 shall not apply to a property where the storage is necessary in the operation of a permitted 'use' lawfully situated on the property pursuant to the Township's Zoning By-law and/or respective site plan agreements, and their respective screening requirements.
- 2.12. In the case of storage on property where the 'use' of keeping same is permitted in accordance with the Township's Zoning By-law, all such refuse shall be stored in a neat and orderly manner.
- 2.13. No person shall litter on any public place, or on any private place without the permission of the owner of the private place.

**Vehicles**

- 2.14. No owner shall use any property for the placement, keeping or storage of the following:
  - (a) derelict vehicles that are unfit to be operated on a highway due to damage or poor repair;
  - (b) motor vehicles that are not currently licensed for operation, pursuant to the provisions of the Highway Traffic Act;
  - (c) vehicle parts or components unless otherwise expressly permitted; or
  - (d) wrecked, dismantled, discarded, inoperative, or abandoned motor vehicles, vehicles, machinery, trailers, or boats.
- 2.15. Any vehicle, including without limitation of the generality of the foregoing, a trailer, tractor, farm implements, truck camper, camper, boat or motorcycle, or remnant of part or parts thereof or mechanical equipment, which is in a wrecked, discarded, dismantled or inoperative condition, or a vehicle or trailer that does not properly display thereon a valid and current license plate or marker thereof, shall, for the purpose of this by-law be deemed to be derelict.
- 2.16. Section 2.14 shall not apply to vehicles placed, kept, or stored in a fully enclosed structure or under a cover, provided that such cover shields the entire vehicle from view and is maintained in good repair and does not constitute an eyesore.
- 2.17. Section 2.14 shall not apply to a property where the storage is necessary in the operation of a permitted 'use' lawfully situated on the property pursuant to the Zoning By-law and/or respective site plan agreements, and their respective screening requirements.
- 2.18. In the case of storage on property where the 'use' of keeping same is permitted in accordance with the Township's Zoning By-law, all such vehicles or equipment shall be parked or stored in a neat and orderly manner.
- 2.19. No person shall, within a residential zone, place, keep, store, or permit the placing, keeping, or storage of a boat on:
  - (a) a front yard, except the driveway; or

(b) an exterior side yard.

**Travel trailers**

2.20. No person shall, within a residential zone, place, keep, store, or permit the placing, keeping, or storage of more than a total of two (2) travel trailers on any property.

2.21. No person shall, within a residential zone, place, keep, store, or permit the placing, keeping, or storage of a travel trailer on:

(c) a front yard, except the driveway; or

(d) an exterior side yard.

2.22. Section 2.20 shall not restrict the number of travel trailers that are fully enclosed in a garage.

2.23. No person shall use or permit the use of any travel trailer for the purpose of primary residential, permanent living.

2.24. "Primary residential, permanent living" for the purpose of section 2.23 shall include any use of a travel trailer for cooking, eating, or sleeping purposes for a period of more than 2 weeks annually.

2.25. Section 2.23 shall not apply to any property where the use of travel trailers for primary residential, permanent living is expressly permitted pursuant to the Township's Zoning By-law, as amended.

2.26. Where a travel trailer has been placed, kept, stored, or used in contravention of any of the provisions of this by-law, the owner of the property shall be presumed to have been the person who permitted the parking, storage, or use, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

**Grass and weeds**

2.27. Every owner shall ensure a suitable Ground Cover is provided to prevent erosion of the soil. Where grass forms a part of the Ground Cover and has been killed, such dead areas shall be re-seeded or re-sodded as often as required so as to restore the grass to a living condition.

2.28. Every owner of property shall cut, trim or remove the grass, weeds or other similar ground cover whenever the growth of the grass, weeds, or ground cover exceeds eight (8) inches in height.

2.29. The following lands are exempt from the provisions of section 2.28;

(a) rural areas;

(b) lands zoned General Agriculture (A1), Natural Environment (NE), or Open Space (OS);

(c) municipal, county or provincial road allowances;

(d) croplands involved in a legal farming operation; and

(e) lands owned by the Township of Howick, the County of Bruce, the Province of Ontario, the Government of Canada, a Conservation Authority, or any board thereof.

**Boulevards and driveway aprons**

2.30. Every owner of property shall ensure that all adjacent boulevards and adjacent driveway aprons are kept free from:

(a) long grass, weeds or other similar ground cover;

(b) noxious weeds;

(c) hazardous objects or materials;

(d) domestic animal excrement;

(e) derelict vehicles or parts thereof; and

(f) refuse, rubbish or other debris.

2.31. Section 2.30 (a) shall not apply to owners of land described in section 2.29.

**Noxious weeds**

2.32. No owner shall permit noxious weeds to remain on any property.

**Naturalized areas**

2.33. Despite the provisions of section 2.28, naturalized areas shall be allowed on all land.

2.34. Every owner of a naturalized area shall comply with each of the following provisions:

- (a) naturalized areas shall be maintained in a living condition and in a manner that does not present an unkempt or unsightly appearance;
- (b) naturalized areas shall not encroach onto any adjacent property;
- (c) naturalized areas shall not encroach, overhang, or obstruct sidewalks or roadways;
- (d) naturalized areas shall not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices; and
- (e) naturalized areas shall have a buffer strip to be maintained below eight (8) inches in height along a minimum 2 feet (61 centimeter) strip along all boundaries of the Naturalized Area or all boundaries of the whole yard, lot, or parcel of land.

**Landscaping**

2.35. Every owner shall ensure landscaping and general maintenance of the exterior property areas shall not detract from the landscaping and the general maintenance of the neighbourhood of which they are a part.

2.36. Every owner shall ensure that hedges, trees or branches are cut and trimmed so as to not obstruct a public sidewalk, walkway, or highway and in a manner that allows safe, unhindered passage.

2.37. Every owner shall keep their property free from heavy growth, discarded, dead, dying, diseased, decayed or damaged trees or brush, and all trees and brush on the property shall be pruned so as to be free from dead or dying branches.

2.38. Every owner shall ensure hedges, plantings, branches, trees or other landscaping, required by the Township as a condition of site development, or redevelopment shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out its intended function and maintain an attractive appearance.

**Firewood**

2.39. Firewood storage in settlement areas shall only be stored in a yard that is not adjacent to a highway subject to the following conditions:

- (a) firewood stored in a side yard or rear yard shall be at least 0.6 metres (24 inches) from every property line;
- (b) no piece of firewood shall exceed 0.6 metres (24 inches) in length and all firewood shall be stacked in a neat and orderly pile; and
- (c) on a property that is less than 0.4 hectares (1 acre) in area, no firewood piles shall exceed 1.5 metres (59 inches) in height or cover an area larger than 6.0 metres square (64 square feet);

**Composting**

2.40. Every owner shall ensure all Backyard Compost:

- (a) Is maintained in a Composter or an open Backyard Compost pile that is not larger than 2.0 metres (21.5 square feet) in area and 1.0 metre (39 inches) in height;
- (b) Is set back a minimum of 0.6 meters (2 feet) from any lot line;
- (c) Does not consist of any animal matter (meat, dairy, feces, bones, or animal fats); and
- (d) Is kept free of pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an Infestation.

**Outdoor illumination**

2.41. No owner shall cause or permit outdoor illumination to shine directly onto another property that is likely to disturb or cause a nuisance to the occupants of said property.

**Dust**

2.42. Every owner shall maintain their property in a manner to prevent accumulations of dust or dirt that is likely to disturb or cause a nuisance from spreading to neighbouring properties.

2.43. Section 2.42 shall not apply to property if the dust is necessary in the operation of a permitted 'use' lawfully situated on the property pursuant to the Township's Zoning By-law, and reasonable steps have been taken to limit or prevent the accumulation of dust or dirt.

**Graffiti**

2.44. No person shall place, cause or permit to be placed graffiti on a public or private place.

2.45. No owner shall permit graffiti to remain on any property.

**Sewage and drainage**

2.46. No owner shall discharge or permit the discharge of sewage onto the surface of the ground whether into a natural or artificial surface drainage system.

2.47. Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent properties.

2.48. Every owner shall ensure vacant land is graded, filled or otherwise drained so as to prevent recurrent ponding.

**Swimming pools, hot tubs**

2.49. Every owner shall ensure that any swimming pool, hot tub or sump pump discharge from property is drained so as to prevent ponding or entrance of water into a basement or cellar, not discharged onto walkways, boulevards, stairs or adjacent properties and if chlorinated or chemically treated, such chlorine or other chemicals shall be removed before being discharged to a storm sewer.

2.50. Every owner of property shall maintain any swimming pool, hot tub, wading pool, or artificial pond in good repair and working condition and free of standing water.

**Snow, slush and ice**

2.51. No person shall deposit or cause to be deposited any snow, slush, or ice on any Highway.

**Livestock in settlement areas**

2.52. No person shall keep livestock in settlement areas.

2.53. Section 2.52 shall not restrict the non-conforming use provisions in the Zoning By-law, where livestock was kept in settlement areas prior to the enactment of the Zoning By-law.

2.54. Notwithstanding section 2.52, any property containing a dwelling unit may be used for the keeping of two (2) horses, provided that such horse provides the primary means of transportation for the occupants of the dwelling unit, and in accordance with section 3.27.4 of the Zoning By-law.

**SECTION 3 – ADMINISTRATION AND ENFORCEMENT**

**Administration and enforcement**

3.1. This by-law shall apply to all property within the limits of the Township of Howick and shall be administered and enforced by the Township, an officer or any person appointed or otherwise delegated the authority of administration and enforcement.

**Entry to land**

3.2. An officer, upon producing proper identification, may enter on and inspect any land, at any reasonable time, without a warrant, for the purposes of carrying out an inspection determine:

- (a) whether or not this by-law is being complied with;
- (b) whether an order made under this by-law is being complied with; or
- (c) whether an order made under section 431 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended is being complied with.

**Inspection**

- 3.3. Where an inspection is conducted by the Township, the person conducting the inspection may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
  - (d) 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.

**Order**

- 3.4. Where an officer determines that there has been a contravention of this by-law, the officer may cause a written order to be served to the owner, occupant, or other person responsible for the maintenance of the property, directing that the land be brought back into compliance with the requirements of this by-law within a defined time-period, minimum of seventy-two (72) hours from time of service. Every person shall comply with an order.
- 3.5. An order prescribed in section 3.4 shall state:
- (a) the municipal address or the legal description of the property;
  - (b) reasonable particulars of the work required to gain compliance with this by-law;
  - (c) the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the Township may carry out work at the owner's expense; and
  - (d) that only one order per calendar year is required.
- 3.6. Service of any document, including an order, under this by-law may be given in writing in any of the following ways and is effective:
- (a) when a copy is hand-delivered to the person to whom it is addressed;
  - (b) on the 5th day after a copy is sent by regular or registered mail to the person's last known address;
  - (c) by email to the last known email address of the person to whom service is required to be made; or
  - (d) by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relates and shall be deemed to be sufficient service on the owner.
- 3.7. Only one (1) order per calendar year is required. If, after an order has been served in accordance with this by-law, and the officer determines that a subsequent violation has occurred, the Township may proceed with the remedy set forth in section 3.9 without further notice.
- 3.8. Every person who, after receiving an order in the same calendar year, fails to maintain their property to the standards outlined in such order shall be guilty of an offence under section 3.4.

**Remedial work**

- 3.9. Where an order has been sent pursuant to this by-law, and the requirements of the order have not been complied with within the defined time-period, the Township may cause the required work to be done, by any means necessary to attain compliance with this by-law, at the expense of the owner.

- 3.10. For the purpose of section 3.9 of this by-law, employees or agents of the Township may enter the property at any reasonable time, without a warrant, in order to cause the required work to be done.
- 3.11. The Township may recover its costs of remedying a violation of this by-law by invoicing the owner, by initiating court proceedings or by adding the costs, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the Municipal Act, 2001, as amended, and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

**Obstruction**

- 3.12. No person shall obstruct or hinder, or attempt to obstruct or hinder, an officer in the exercise of a power or the performance of a duty under this by-law.
- 3.13. A person who fails to provide an officer with their name, address, date of birth, phone number or identification, after being lawfully required to do so, shall be guilty of an offence under section 3.12.

**SECTION 4 – PENALTY**

**Offence**

- 4.1. Every person who contravenes a provision of this by-law, including an order issued under this by-law, is guilty of an offence.
- 4.2. If a corporation has contravened a provision of this by-law, including an order issued under this by-law, every director and officer of the corporation who knowingly concurred in such a contravention is guilty of an offence.

**Continuing offence**

- 4.3. Each day on which a person contravenes any provision of this by-law, including an order issued under this by-law, shall be deemed to constitute a separate offence under this by-law as provided for in section 429(2) of the Municipal Act, as amended.

**Multiple offence**

- 4.4. For the purposes of this by-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

**Subsequent offence**

- 4.5. For the purposes of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

**Penalty**

- 4.6. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- 4.7. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, is liable to the following penalties:
- (a) Upon a first conviction, to a fine of not less than \$300 and not more than \$50,000;
  - (b) Upon a second or subsequent conviction, to a fine of not less than \$400.00 and not more than \$100,000.00;
  - (c) Upon conviction for a continuing offence, to a fine of not less than \$300.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
  - (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$300.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

**Prohibition order**

- 4.8. If a person is convicted of an offence under this by-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

**Fees and charges**

- 4.9. Council may impose fees and charges to recover costs in relation to the administration and enforcement of this by-law.

**SECTION 5 – ENACTMENT**

**Schedules**

- 5.1. Schedule “A” (Short Form Wording and Set Fines) attached hereto does NOT form part of this by-law.

**Severability**

- 5.2. Notwithstanding any section, subsections, clause, paragraph or provision of this by-law, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this by-law are separate and independent therefrom and enacted as such as a whole. The same shall not affect the validity or enforceability of any other provisions of this by-law or of the by-law as a whole.

**Enactment**

- 5.3. That this by-law shall come into full force and effect on the date of final passing.  
5.4. Upon the final passing of this by-law, By-law No. 44-2017 and No. 26-2022 are hereby repealed.

**Read a first and second time this 7<sup>th</sup> day of February, 2023.**

**Read a third time and finally passed this 7<sup>th</sup> day of February, 2023.**

---

Reeve, Doug Harding

---

Clerk-Administrator, Caitlin Gillis

**Schedule 'A'**  
**Township of Howick**  
**Part I Provincial Offences Act**  
**By-law No. 08-2023: Clean Yards**

| Item | Column 1<br>Short form wording  | Column 2<br>Provision creating or<br>defining offence | Column 3<br>Set fine |
|------|---|---|----------------------|
| 1    | Litter on public or private place                                       | 2.13  | \$125                |
| 2    | Use/permit travel trailer for primary residential, permanent living     | 2.23  | \$200                |
| 3    | Place, cause or permit to be placed graffiti on public or private place | 2.36  | \$125                |
| 4    | Deposit or cause depositing of snow, slush or ice on any highway        | 2.44  | \$85                 |
| 5    | Keep livestock in settlement area                                       | 2.52  | \$200                |
| 6    | Fail to comply with an order  | 3.4   | \$300                |
| 7    | Obstruct/hinder person carrying out duties under by-law                 | 3.12  | \$300                |

NOTE: The penalty provisions for the offences indicated above is Section 4.6 of By-law No. 08-2023 certified copies of which have been filed.