

THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

BY-LAW NUMBER 2023 - ???

A BY-LAW TO PROVIDE FOR YARD STANDARDS IN THE TOWNSHIP OF SOUTH ALGONQUIN

WHEREAS the Official Plan of the Township of South Algonquin adopted by The Corporation of the Township of South Algonquin includes provisions relating to property conditions;

AND WHEREAS Section 127 of the *Municipal Act, 2001*, permits the Township to pass by-laws to:

- (a) Require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;
- (b) Regulate when and how matters required under clause (a) shall be done;
- (c) Prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) Define "refuse".

AND WHEREAS Section 131 of the *Municipal Act, 2001*, permits a Township to pass by-laws to prohibit and regulate the use of any land for the storage of used motor vehicles for the purposes of wrecking or dismantling them or salvaging parts from them.

AND WHEREAS Section 446. (1) of the *Municipal Act, 2001* provides that the 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 matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

AND WHEREAS Section 446 (3) of the *Municipal Act, 2001* provides that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN ENACTS AS FOLLOWS:

1.0 SHORT TITLE

This By-Law may be cited as the "Yard Standards By-Law."

2.0 DEFINITIONS

In this By-Law:

- a) **"Council"** means the Council of the Corporation of the Township of South Algonquin.
- b) **"Commercial Property"** means any property zoned commercial as detailed in the Township's Comprehensive Zoning Bylaw and all derivatives thereof.
- c) **"Fence"** shall mean any structure constructed of posts, boards, palings, rails, wire, masonry or similar materials or any combination thereof used to define a property boundary or to enclose any outdoor area.
- e)d) **"Graffiti"** shall mean writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place.
- e)e) **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof
- e)f) **"ICI waste"** means waste produced by Industrial, Commercial, and Institutional operations, and may include household waste generated by such operations.
- e)g) **"Inoperative"** means not in working condition;
- e)h) **"Maintain"** means the preservation or keeping in repair of a property as required by this By-Law and any applicable regulations.
- e)i) **"Municipal By-law Enforcement Officer"** means the designated by-law enforcement officer(s) of the Township of South Algonquin.
- e)j) **"Property"** means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures and outbuildings erected thereon.

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j)k) **“Residential Property”** means any property zoned as residential as detailed in the Township’s Comprehensive Zoning Bylaw and all derivatives thereof.

k)l) **“Rural Property”** means any property zoned as rural as detailed in the Township’s Comprehensive Zoning Bylaw and all derivatives thereof.

l)m) **“Township”** Shall mean the **Corporation of the Township of South Algonquin**.

m)n) **“Standards”** means the standards of physical condition prescribed for property by this By-Law.

n)o) **“Unused”** means stored or kept for the purpose of scrap or salvage;

o)p) **“Unlicensed”** means, in the case of a vehicle, without current and valid plates;

p)q) **“Vehicle”** means any type of motor vehicle, recreational vehicle, snowmobile, trailer or other type of vehicle or equipment drawn, propelled, or driven by any kind of power.

q)r) **“Waste”** means any domestic, commercial, or industrial waste or refuse and includes all wastes as designated in Ontario Regulation 347

r)s) **“Yard”**

- (i) On any property zoned Residential, yard shall mean the land around or adjoining the whole or any part of a residential building; and for residential lots, it generally refers to the front, back and side lawn portions of a property.
- (ii) On any property zoned Rural, Yard shall mean the one-half acre of land immediately around or adjoining a residential, commercial, industrial or institutional building or buildings, but excludes Barnyards and land under farm operations.
- (iii) On any property zoned Commercial, Yard shall mean the one-half acre of land immediately around or adjoining to the commercial, industrial or institutional building or buildings.

3.0 GENERAL DUTIES AND OBLIGATIONS ALL PROPERTIES

3.1 Every yard shall, always, be kept in a neat, clean and orderly condition, and free from any objects or conditions that might create a health, fire or accident hazard or any other condition as detailed in this bylaw.

4.0 WASTE

4.1 All yards shall be maintained in accordance with the following standards:

- (a) Every yard shall be kept free of waste, except as provided in this section.
- (b) All waste stored outside at any residential property shall be stored in a container in such a fashion as to prevent the harboring of rodents, vermin or other wildlife and the scattering of debris.
- (c) All ICI waste shall be stored in a shed or waste container approved for the storage of the waste material or deemed appropriate by the Municipal By-Law Enforcement Officer that is:
 - (i) Constructed in such a fashion as to be easily accessed and emptied by the Municipal waste department where such service is provided;
 - (ii) Constructed In such a fashion as to be sealed against intrusion by rodents, vermin, or other wildlife;
 - (iii) Have a solid cement, concrete or other impermeable material floor; and
 - (iv) Cleaned or sterilized on a regular basis to minimize the odour and risk of health hazards.
- (d) No person, corporation or business shall store or accumulate any waste for any period greater than 7 days where such waste could create a health, safety, accident, or fire hazard or encourage scavengers or vermin.

5.0 STORAGE

- 5.1 The warehousing or storage of material or equipment that is required for the continuing operation of the permitted use of any property shall be in accordance with the following standards:
- a. Stored materials shall be arranged in a neat and orderly manner;
 - b. Stored materials shall not create a fire or accident hazard: and
 - c. Stored materials shall be arranged so that unobstructed access for emergency vehicles is ensured.
- 5.2 Storage, salvage, and scrap yards shall be effectively screened from all other properties or highways by a solid wall or fence or solid hedge not less than 2.0 meters in height.
- 5.3 No person shall store or allowed to be stored in any yard any discarded or unused material or items, including but not limited to lumber, plywood, drywall, shingles, insulation, flooring, carpeting, windows, glass, bricks, stone, or any other construction material; Household furniture, appliances, tools, bicycles, snow mobiles, equipment, firewood, machinery or any parts thereof.

6.0 VILLAGE OF WHITNEY & MADAWASKA

- 6.1 In addition to all other provisions of this By-law, all residential properties including yards, parking lots or vacant land located within the geographical territory of the Villages of Whitney and Madawaska shall be maintained in accordance with the following standards:
- (a) All properties shall be kept free of:
 - (i) weeds or noxious plants;
 - (ii) grass more than 15 cm in height except where such growth is part of a landscaping design approved by the Township of South Algonquin.
 - (iii) Dead or damaged/dangerous trees or shrubbery.
 - (b) Where a building or structure is undergoing construction or renovation all construction materials and equipment and other related items to be used in the construction or renovation may be stored in the yard for a reasonable amount of time providing such materials are:
 - (i) Piled in an organized manner; or
 - (ii) Stored in an area to the rear of the main structure and stored in such a manner as to not create an unsightly condition to adjoining properties.
 - (c) Where a building or structure is undergoing demolition or renovation all waste materials resulting from that demolition or renovation shall be removed from the property within 30 days of the generation of the material.
 - (d) Where a building or structure is undergoing demolition or renovation all materials slated for recycle or reuse shall be stored in such a fashion as to not create an unsightly condition on the property and shall be removed within 30 days of completion of the project.
- 6.2 Fences
- (a) Every person who erects a fence or causes a fence to be erected on or around any yard shall keep such fence,
 - (i) in good repair,
 - (ii) in a safe and structurally sound condition and free from hazards: and
 - (iii) Unsightly markings, stains, or other defacements on the exterior surfaces of fences shall be removed and the surface shall be refinished when necessary.

Commented [i1]: Councillor Rodnick: Suggestion to not specify length and revise to "every person shall keep yards and vacant property free from heavy undergrowth, excessive growth of grass, weeds, noxious plants in accordance with the Weed Control Act."

7.0 STORAGE OF MOTORIZED VEHICLES COMMERCIAL PROPERTIES

All properties zoned to permit commercial uses shall comply with the following standards:

- (a) Establishments that are licensed through the Ontario Motor Vehicle Industry Council to sell new or used motor vehicles may have unlicensed vehicles stored in the yard, provided they are for sale in accordance with the Motor Vehicle Dealers Act and are not in a wrecked, discarded, dismantled, inoperative or abandoned condition;
- (b) Establishments licensed and operating as a Vehicle Repair Facility may store unlicensed motor vehicles where such vehicles are awaiting repair or sale. The unlicensed motor vehicles must be stored in a neat and orderly condition;
- (c) The storage of wrecked, dismantled or any motor vehicles kept for the purpose of providing parts for other vehicles is only permitted on properties that the zoning by-law has zoned as a motor vehicle wrecking yard or salvage yard;
- (d) Establishments licensed and operating as a vehicle repair facility may store up to 100 used tires on that property at any given time provided that the tires are not visible from any highway or residential property and the tires are stored in a neat and orderly condition; and
- (e) Where vehicles, tires or other materials are stored in a neat and orderly fashion but are still visible from either a residential property or highway, the storage area shall be enclosed by a solid wall or a solid board or metal fence not less than ~~1.82~~ meters in height and maintained in good repair.

Commented [i2]: Change to 2 metres to be consistent with Section 5.2.

8.0 STORAGE OF MOTORIZED VEHICLES RESIDENTIAL PROPERTIES

Despite any provision of this By-law to the contrary, for residential properties:

- (a) No unlicensed vehicle shall be parked or stored in any yard.
- (b) No vehicle that is in a wrecked, dismantled, or inoperative, condition shall be parked or stored in a yard except in accordance with the following:
- (c) Despite section 8(a) and (b) above, the owner or occupant of a residential property may park or store a maximum of two (2) unlicensed, or inoperative vehicles on their property, provided:
 - (i) The vehicle(s) is registered in the name of the owner or occupant of the property;
 - (ii) The vehicle is stored for the purpose of repairing or restoring the vehicle or the vehicle is stored for the owner's or occupant's own personal use; and
 - (iii) Said vehicles:
 - (1) Are parked in a driveway or designated parking area; and
 - (2) Do not have the appearance of being derelict or abandoned or;
 - (3) Are covered with a car cover or tarpaulin in good condition; or
 - (4) Are parked in a yard or area where it is not visible to the adjoining property owners or visible from a highway.
- (c) The owner or occupant may make application to Council to park, place, or store more than 2 unlicensed vehicles on property owned or occupied by them. Such application shall be made in writing and shall state the:
 - (i) Name, address, telephone number of applicant
 - (ii) Name of registered owner of the property (If other than above)
 - (iii) Letter of permission from the registered owner (If other than (i))
 - (iv) Reason for request to keep more than 2 unlicensed vehicles.
 - (v) Civic Address where the vehicles will be stored (if other than (i))
- (ci) Council shall review all applications for permission to park or store more than 2 vehicles and shall issue a permit where the parking or storing of the unlicensed vehicle(s) will comply with the requirements of this by-law and is not likely to be visually offensive to a reasonable person. Council may impose such conditions as it deems necessary when issuing a permit under this section.

Commented [i3]: Councillor Rodnick: Section seems lengthy compared to others that has been reviewed, possibly consider editing.

9.0

GRAFFITI

- (a) No person shall place or cause or permit graffiti to be placed on property.
- (b) Every owner of property shall maintain their property free of graffiti.

10.0 ADMINISTRATION, ENFORCEMENT & APPEAL

10.1 Administration and Enforcement

- (a) This By-Law shall be administered by the Municipal Bylaw Enforcement Officer or any other person appointed by council to enforce such regulations.
- (b) Where an inspection of the property by the Municipal Bylaw Enforcement Officer reveals that the property does not conform to the standards prescribed by this by-law, the Township may give written notice to any owner and occupant of the property ordering that the owner or occupant comply with this By-law.
- (c) An order issued under this By-law shall set out:
 - i. The owner's or occupant's name, address, and location of the contravention;
 - ii. Sufficient particulars of the contravention to adequately identify the contravention and the location on the property of the contravention;
 - iii. An order to cease the contravention and a date by which the contravention must cease;
 - iv. An order to remedy the contravention, indicating the particulars of what must be remedied, which remedy may include removing any object or material and grading and leveling the property;
 - v. The date by which the contravention must be remedied; and
 - vi. A statement that if the contravention is not remedied within the period of time stipulated in the order, the Township may carry out the necessary work at the owner's expense.
- (d) Any order given by the Township in accordance with any section of this bylaw shall be served personally or by registered mail sent to the last known address of the person to whom the order is to be given in which event the service shall be deemed to have been made on the third day after mailing.
- (e) If the owner or occupant of a property to whom an order has been given in accordance with this by-law does not comply with the order within the time prescribed, the Township may, in addition to all other remedies, cause the property to be brought into a condition that conforms to this by-law at the owner's or occupant's expense and, for this purpose, the Township's employees or agents may enter onto the property at any reasonable time without further notice to the owner or occupant in order to do such work and rectify any contravention of this by-law.
- (f) The Township may recover the costs of doing any work required to rectify non-compliance with any order issued under this By-law from the person directed to do the work.
- (g) The Township may remove items from any property where the item is part of the contravention of this By-law. Where any item is removed from a property in accordance with this By-law, the Township may, in its absolute discretion, elect to store, or cause to be stored, any or all such items for a maximum of 30 days in order to permit the owner of such items to recover them and the costs of such removal and storage shall be the responsibility of the owner of such items.
- (h) At the end of the 30-day period referred to above, the Township may dispose of any items removed from property and retain any proceeds from the disposal.
- (i) All costs incurred by the Township to remove, store, and dispose of any items removed in accordance with this By-law shall be the responsibility of the owner of the property where the items were stored in contravention of this By-law.
- (j) Despite any actions taken in respect to this bylaw, the Township shall not be liable to compensate the owner, occupant, or any other person by reason of anything done by or

on behalf of the Township in the reasonable exercise of its powers under this by-law.

10.2 Appeal of an order

- (a) Any person wishing to appeal any order issued under this Bylaw shall:
 - (i) Within 7 days of receipt of the order file an appeal in writing to the Council of the Township of South Algonquin, who shall hear the appeal at the next regularly scheduled meeting of council or as soon as is practical.
 - (ii) The notice of appeal shall contain:
 - (1) A copy of the order that was issued.
 - (2) A brief statement as to why the appellant feels the order was issued wrongly.
 - (iii) Council on receiving the request for an appeal shall within 7 days of receipt of the appeal contact the appellant to schedule a hearing.
- (b) Council may approve the order, rescind the order, or modify the order on any terms that it deems reasonable in all of the circumstances.

11.0 OFFENCES

- (a) Any person who fails to comply with an order issued under this By-Law is guilty of an offence.
- (b) Any person who breaches any provision of this By-law is guilty of an offence.
- (c) Upon conviction, the maximum fine shall be as set out in Schedule "A" attached to and forming part of this By-law.
- (d) If this By-law is contravened and a conviction is entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any other penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

12.0 VALIDITY

A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-Law.

13.0 APPLICABILITY

This by-law shall apply to all property within the limits of the Township of South Algonquin.

14.0 EFFECTIVE DATE

This By-Law shall come into effect from the date of its passing by Council.

READ A FIRST AND SECOND TIME THIS day of June 2023

READ A THIRD TIME AND PASSED THIS day of June 2023

Ethel LaValley, Mayor

Bryan Martin, CAO/Clerk Treasurer

Schedule "A" to Bylaw 2023-

Being a bylaw to provide for Yard Standards in the

Township of South Algonquin Part 1 Provincial Offences Act

<i>Item</i>	<i>Short Form Wording</i>	<i>Provision creating or defining offence</i>	<i>Set Fine</i>
1	Allow objects or conditions that might create a health, fire or accident hazard.	3.1	\$125.00
2	Allow accumulation of waste	4.1 (a)	\$100.00
3	Household waste improperly stored	4.1 (b)	\$100.00
4	Improper waste storage facility	4.1 (c)	\$125.00
5	Accumulate waste more than 7 days	4.1 (d)	\$100.00
6	Improper Storage creating a fire or accident hazard	5.1 (b)	\$150.00
7	Storage creating obstructed access for emergency vehicles	5.1 (c)	\$200.00
8	Storage, salvage or scrap yard not screened	5.2	\$200.00
9	Property not maintained weeds or noxious plants	6.1 (a) (i)	\$ 100.00
10	Property not maintained grass in excess of 15 cm	6.1 (a) (ii)	\$50.00
11	Property not kept clear of dead or damaged trees or shrubbery	6.1 (a) (iii)	\$75.00
12	Construction or demolition waste not removed	6.1 (c)	\$100.00
13	Construction or demolition waste improperly stored	6.1 (d)	\$100.00
14	Fence not maintained	6.2 (a)	\$50.00
15	Store unlicensed vehicles on commercial property	7.0 (a)	\$200.00
16	Improper storage of motorized vehicles on commercial property	7.0 (b)	\$200.00
17	Store unlicensed vehicles for parts not zoned as a wrecking or salvage yard	7.0 (c)	\$200.00
18	Improper storage of tires on commercial property	7.0 (d)	\$200.00
19	More than 2 unlicensed vehicles residential property	8.0 (b)	\$100.00
20	Improper storage of unlicensed vehicles on a residential property	8.0 (c)	\$75.00
21	place or cause or permit graffiti to be placed on property	9.0 (a)	\$75.00
22	fail to maintain property free of graffiti	9.0 (b)	\$75.00

NOTE: the general penalty provisions for the offences listed above are section 11 of by-law 2023- a certified copy of which has been filed and s.61 of the Provincial Offences Act, R.S.O 1990, c.P.3

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