



CORPORATION OF THE TOWNSHIP OF PRINCE

BY-LAW 2024-31

A By-law of the Corporation of the Township of Prince to prescribe standards for yard maintenance.

WHEREAS section 8 of the *Municipal Act*, S.O. 2001, c.25, as amended, provides that the powers of the municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 25 of the *Municipal Act*, S.O. 2001, c.25, as amended, provides that a municipality has capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS section 25 of the *Municipal Act*, S.O. 2001, c.25, 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 127 of the *Municipal Act*, S.O. 2001, c.25, as amended, provides that a municipality may require owners or occupants of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

AND WHEREAS section 129 *Municipal Act*, S.O. 2001, c.25, as amended 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;

AND WHEREAS section 445 of the *Municipal Act*, S.O. 2001, c.25, as amended, provides that if a municipality is satisfied that a contravention of a by-law has occurred, they may 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 the work to correct the contravention;

AND WHEREAS offences and penalty provisions for contraventions are as set out in sections 425, 429 and 431 of the *Municipal Act*, S.O. 2001, c.25, as amended;

AND WHEREAS the Corporation of the Township of Prince deems it necessary to regulate yard maintenance to prevent nuisances and the accumulated of waste, debris and refuse;

AND WHEREAS the Council for the Corporation of the Township of Prince deems it expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Township of Prince hereby enacts as follows:

1. SHORT TITLE

THAT this by-law may be referred to as the **YARD MAINTENANCE BY-LAW**.

2. DEFINITIONS

For the purposes of this By-law the following words shall have the meaning given herein: "Chief Building Official" means the Chief Building Official, Bylaw Officer or any of their designates;

"Council" means the Council for the Corporation of the Township of Prince;

“Debris” means any refuse, waste, discarded materials or garbage of any kind whatsoever and includes, whether of value or not:

- a) accumulations of litter, remains, garbage, rubble, waste, construction material, post construction and demolition project materials;
- b) weighty or bulky items such as appliances, furnaces, furnace parts, pipes, pipe fittings, water or fuel tanks placed in a condition or location where they cannot or are not being used for their intended purposes;
- c) paper, boxes, cartons;
- d) abandoned or dilapidated furniture;
- e) glass, cans, containers, bottles;
- f) garden refuse and trimmings;
- g) domestic and industrial waste;
- h) earth or rock fill;
- i) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes; or
- j) clothing or other household linens placed in an unprotected condition.

“Ground Cover” shall mean, but is not limited to, grass, weeds, plant materials, gravel, patios and parking areas that minimize soil/material erosion and/or the accumulation of mud;

“Household Waste” shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling and, for greater certainty without limiting the generality of the foregoing, may include:

- a) all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food;
- b) yard clippings, tree and garden cuttings, brush or leaves;
- c) paper, cardboard, or clothing; or
- d) cans, glass, or plastic containers, or dishes.

“Inoperative Vehicle” means licensed or unlicensed motor vehicles, trailers, boats, snowmobiles having missing, damaged, deteriorated or removed parts including, but not limited to wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation. It shall also include a vehicle that does not display a valid vehicle permit license plate issued under the Highway Traffic Act, R.S.O. 1990, ch. 8, as amended;

“Land” or “Lands” shall mean grounds, yards and vacant and developed lots;

“Landscape Feature” shall mean fences, retaining walls, bird baths, floral planters, fountains, statues, gazebos, trellises and other decorative features;

“Natural Garden” shall mean a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape;

“Officer” shall mean a Property Standards Officer and/or a Municipal ByLaw Enforcement Officer or other law enforcement Officer as appointed by the Council of The Corporation of the Township of Prince or designate, or a Provincial Offences Officer, or employee who has been assigned the responsibility of administering and enforcing this By-law;

“Owner” shall mean the registered owner, owner in trust, a mortgagee in possession, a person who is managing or receiving the rent of the property and includes a person, firm, partnership, corporation, company, association, or organization of any kind and

its principal(s), authorized agent in lawful control of the property, building or occupancy including but not limited to a lessee, tenant, or occupant;

“Person” means an owner as defined in this by-law or any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neutral gender wherever the context so requires;

“Property” shall mean a building or structure or part of a building or structure and includes the lands and premises on which they are located and all mobile homes, mobile buildings, mobile structures, accessory structures, fences, and erections thereon whether previously or subsequently erected, and includes vacant property;

“Waste Material” shall mean any garbage, refuse, debris, litter, household waste and yard waste as determined by an Officer;

“Yard” means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.

3. YARDS

3.1 Every yard, including vacant lots, shall be kept clean, clear and free from:

- a) grass that exceeds 15 cm in height;
- b) heavy undergrowth and excessive growth of weeds;
- c) dead, decaying or damaged trees or other natural growth, or branches or limbs that create an unsafe condition;
- d) debris that constitutes an unsafe condition;
- e) broken glass from any source including glass from windows, doors and vehicles;
- f) holes, pits, excavations or trenches constituting an unsafe condition;
- g) inoperative, wrecked or dismantled vehicles or other machinery or any part thereof, except in an establishment licensed or authorized to conduct and operate such a business;
- h) dilapidated, collapsed or abandoned partially constructed structures or partially constructed fences;
- i) abandoned or discarded appliances such as refrigerators, stoves, freezers;
- j) post construction or demolition material resulting from or part of a construction or demolition project.

4. GROUND COVER

4.1 Every owner shall cut and maintain ground cover on their lands to a height of not greater than 15 centimetres (6 inches).

4.2 Every owner shall cut and maintain ground cover on their lands to a height of not greater than 30 centimetres (12 inches) on land that is vacant.

4.3 Height of ground cover need not be maintained in natural gardens.

5. UNSAFE CONDITIONS

Every owner shall keep their property clear of objects or conditions that create or may create a health, fire, accident, or safety hazard.

6. WASTE MATERIAL & INOPERATIVE VEHICLES

6.1 Every owner shall maintain their property clear of all waste material and debris.

6.2 Every owner shall maintain their lands clear of all inoperative vehicles except where the Township's zoning by-law permits.

6.3 Every owner shall store household waste in rigid containers with secure lids when stored outdoors and household waste shall not be stored in the front or side yard of a residential property where the property has a garage, rear yard, or designated storage facility.

7. LANDSCAPE & TREES

7.1 Every owner shall maintain all bushes, shrubs, hedges and trees in their yard from becoming overgrown and unkempt.

7.2 Every owner shall remove all dead, decayed or damaged trees and branches so as to make the tree safe.

7.3 All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not:

- a) obstruct the safety of the public;
- b) constitute an obstruction of view for vehicular traffic;
- c) overhand or encroach upon any pavement, sidewalk or travelled portion of any street or highway.

7.4 Every owner shall maintain all landscape features on their lands in good repair.

7.5 Every owner shall remove snow and ice from exterior walkways, steps, landings and ramps, and from exterior driveways and parking areas that pose a health or safety hazard to persons on their lands.

8. NOTICE OF BREACH

8.1 An Officer may enter upon any land or property at any reasonable time to determine if the property is in compliance with the provisions of this by-law.

8.2 An Officer shall not enter an occupied dwelling unit without first obtaining the informed consent of the occupants.

8.3 Where a yard or property is not maintained in accordance with the requirements of this by-law the Township shall notify the owner of the property in writing of the breach of a condition of this by-law.

8.4 Once the owner receives a notice of breach from the Township, the owner or occupant shall have a minimum of 30 days to bring the yard into compliance with the provisions of this by-law.

8.5 The owner or occupant may request from the Bylaw Officer an extension of time to achieve compliant, which such extension, shall be at the discretion of the officer.

8.6 After a reasonable time the Officer may enter onto the property for the purpose of determining if compliance has been achieved.

9. FAILURE TO COMPLY

9.1 If, after an inspection under s.8.6 and after such a reasonable time as set out in s.8.5 has passed, the Bylaw Officer determined that the property or any portion thereof remains in a non-compliant condition, the Township may enter the land and premises and perform the work necessary or authorize the entry and performance of the work.

9.2 The Township may, in conjunction with bringing the yard into compliance with this by-law, proceed with prosecution of the owner for breach of the conditions of this by law.

10. RECOVERY OF COSTS

The work shall be done at the expense of the owner of the property and the cost of such work and any associated administrative fees shall be then due and payable to the Township that shall recover the expense in the same manner as municipal taxes.

11. OFFENCE

Every person who contravenes any provision of this by-law is guilty of an offence and liable to a fine as provided for in the s.61 of the Provincial Offences Act R.S.O. 1990 c.P.33.

12. GENERAL

12.1 Severability. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue to be in full force and effect.

12.2 Force and Effect. That this by-law shall come into force and effect on the passing thereof.

READ THREE TIMES AND PASSED this day 10th of September 2024.



Mayor, Enzo Palumbo



Deputy Clerk, Sam Carolei



