

## **The Corporation of the Town of LaSalle**

### **By-law Number 8797**

A By-law respecting the maintenance of  
property

**Whereas** section 11 of The Municipal Act, 2001, S.O. 2001, c. 25 (“Municipal Act, 2001”) provides that a municipality may pass By-laws respecting the social and environmental well-being of the municipality, and the health, safety, and well-being of persons;

**And whereas** section 127 of the Municipal Act, 2001 permits a municipality to require an 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, and to regulate when and how such matters shall be done, and for prohibiting the disposal of Refuse or debris on land without consent of the Owner, as well as the authority to define “Refuse” for the purpose of this By-law;

**And whereas** pursuant to section 128 of the Municipal Act, 2001, Council deems standing water on property, Refuse on property, and an unkempt property a public nuisance that may create a health and safety hazard for the public;

**And whereas** section 434.1 of the Municipal Act, 2001 authorizes a municipality to require persons to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a municipal By-law passed, subject to conditions as the municipality considers appropriate;

**And whereas** section 429 of the Municipal Act, 2001 provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under the Municipal Act, 2001;

**And whereas** section 446 of the Municipal Act, 2001 permits a municipality to direct or require that a matter or thing be done, such as maintaining land in a clean and clear condition, and that the municipality may direct that in default of it being done by the person directed or required to do so, it shall be done at the person’s expense with costs incurred by the municipality being recovered by action or by adding the cost to the tax roll and collecting the cost in the same manner as property taxes;

**And whereas** Council deems it desirable to pass a By-law for the maintenance of land, and to prohibit the keeping of Refuse, standing water, and littering on public and private land.

**Now therefore the Council of the Corporation of the Town of LaSalle hereby enacts as follows:**

#### **1. Definitions**

1.1 In this By-law:

- a. “Boulevard” shall mean the portion of a Highway in LaSalle that is situated between the edges of a roadway, or shoulder where one exists, and the adjoining property line;
- b. “By-law Enforcement Officer” means a municipal By-law Enforcement Officer appointed by Council to enforce By-laws within the Town of LaSalle;
- c. “Ground Cover” shall mean plants or shrubs characteristically forming an extensive dense growth close to the earth;
- d. “Highway” shall mean 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, as defined in the Highway Traffic Act, RSO 1990, c H.8;

- e. "LaSalle" shall mean the geographical location of the Corporation of the Town of LaSalle;
- f. "Motor Vehicles" shall include used motorized vehicles, travel trailers, tractor-trailers, transport trailers, or parts thereof or accessories thereto;
- g. "Order" means any notice of non-compliance issued pursuant to this By-law;
- h. "Owner" shall mean the assessed Owner of the property and may also include a lessee or occupant of the property;
- i. "Private Drain" shall mean a drain or sewer or part thereof situation on private property;
- j. "Refuse" shall include any waste of any kind whatsoever, both domestic and industrial, without limiting the generality of the foregoing includes:
  - i. inoperative or unlicensed vehicles, vehicle parts or accessories;
  - ii. paper, cardboard, wood, glass, cans, plastic, lumber, metal, or wood products;
  - iii. grass, weeds, trees, branches, leaves, earth, rubble, inert fill, or rock fill;
  - iv. materials resulting from, or as part of, construction or demolition projects, such as piping, tubing, conduits, wires, or other accessories;
  - v. crockery, dishes, pots, or pans;
  - vi. clothing, bedding or furniture;
  - vii. small appliances, refrigerators, stoves, freezers, sinks, toilets or other appliances;
  - viii. chemicals or chemical products;
  - ix. bones, feathers, hides; or
  - x. sewage, including any liquid waste containing human, animal, vegetable or mineral matter waste but does not include roof water or storm run-off;
- k. "Shipping or Storage Container" shall mean an industrial, standardized, reusable vessel that was:
  - i. originally or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and
  - ii. designed for or capable of being transported by being mounted on a truck-trailer, truck, train or ship; and
  - iii. a cargo container designed for the temporary movement and storage of household goods;
- l. "Town" shall mean The Corporation of the Town of LaSalle;

- m. "Waste Material" shall mean material that, in the opinion of the By-law Enforcement Officer:
  - i. appears to have been cast aside, discarded, or abandoned;
  - ii. appears to be worthless, useless, or of no practical value; or
  - iii. appears to be used up, in whole or in part, or expended or worn out in whole or part;

## **2. Property Maintenance**

- 2.1 Every Owner of property shall ensure that Ground Cover, hedges, shrubs, plantings, and all other landscaping on a property shall be maintained in a neat, tidy, and healthy condition that is not unsightly or unreasonably overgrown, as deemed by the By-law Enforcement Officer, and does not:
  - a. obstruct or interfere with the health and safety of the public; or
  - b. wholly or partially conceal or interfere with the use of any public infrastructure.
- 2.2 Every Owner of property shall keep the property maintained free of weeds and unkempt grass, of which the grass and weeds shall be no more than eight (8) inches in height, as well as any conditions on the property that may create a health, safety, or accident hazard.
- 2.3 Every Owner of property shall maintain Boulevard areas along the front or side yard of the property, which includes the removal of weeds and grass that is no more than eight (8) inches in height.
- 2.4 Notwithstanding section 2.2 and 2.3 of this By-law, weed removal or grass that is no more than eight (8) inches in height may be permitted:
  - a. on lands zoned agricultural, natural environment, deferred urban, recreation, floodway within the Town, per the Town's Comprehensive Zoning By-law, as amended from time to time;
  - b. on golf courses within the Town;
  - c. on lands designated as "Provincially Significant Wetlands" by the Ministry of Natural Resources and Forestry; or
  - d. on any private or public property within the Town that has been left fallow and has been determined, at the sole discretion of the Town, to be a possible habitat for any animal or plant within the Endangered Species Act, 2007.
- 2.5 Every Owner shall maintain swimming pools, hot tubs, and artificial ponds on his or her private property in operating condition and in a good state of repair.
  - a. All pools shall be open and operational by the 15th day of June;
  - b. Notwithstanding the provisions of 2.5(a) above, if the pool is not open and operational, any standing water must be treated to prevent insects, and/or the pool must be pumped to prevent standing water from occurring.

### **3. Refuse**

3.1 Every Owner of property shall keep their land clear of Refuse or Waste Material of any kind. Exemptions include:

- a. any land used by the Town for the purpose of dumping or disposing of Refuse or Waste Material of any kind; or
- b. land designated by a Town By-law for the purpose of dumping or disposing of Refuse or Waste Material of any kind.

3.2 No person shall cause, permit, throw, place or deposit Refuse on private property or Town-owned property or Highway.

3.3 A person is not in breach by placing garbage or recycling out for collection on their property in accordance with the Town of LaSalle's Collection of Garbage By-law and the Town of LaSalle garbage collection schedule.

3.4 No person shall throw, blow, place or deposit leaves, grass clippings, dirt, or snow on a Highway, sidewalk or on unauthorized private property.

### **4. Drainage**

4.1 No Owner shall permit surface runoff to drain onto adjacent property, unless authorized by agreement to do so.

4.2 Every Owner shall keep their property free of standing water and drained.

### **5. Vehicles**

5.1 No person shall use any land in the municipality for storage of a used Motor Vehicle that appears, by reason of age, appearance, mechanical condition, or lack of a license plate, to be inoperative or not used, or to store any automotive or mechanical parts, pursuant to s.131 of the Municipal Act, 2001, unless within an enclosed structure or authorized under the Town's Comprehensive Zoning By-law, as amended from time to time, or another Town By-law.

5.2 No person shall use any land or structure in the Town for sorting or storing of vehicles, trailers, boats, or used Motor Vehicles for wrecking or dismantling them for the purpose of salvaging parts thereof for sale or other disposal, unless authorized under the Town's Comprehensive Zoning By-law, as amended from time to time, or another Town By-law.

### **6. Storage**

6.1 No Person shall use lands zoned agricultural or residential under the Town's Comprehensive Zoning By-law for the storage of Shipping or Storage Containers unless:

- a. there is only one (1) such container on a driveway at a time;
- b. permitted for no more than sixty (60) days before or after a sale of a property, or for the length of time required to support a construction project provided that:
  - i. it will not cause risk to the health or safety of any person;
  - ii. it will be maintained in such a manner as to not become malodorous or attract rodents or vermin;
  - iii. all construction related to shipping and storage containers are permitted only on the property of which construction is taking place; and

- iii. it will be removed following completion of the construction project.

6.2 A person shall obtain a building permit for a Shipping-Storage Container as an accessory structure in accordance with the Town's Comprehensive Zoning By-law for the purpose of permanent storage.

## **7. Inspection**

7.1 A By-law Enforcement Officer may enter onto land and inspect any land to determine whether the provisions of this By-law or an Order issued under this By-law have been complied with, in accordance with s. 435 of the Municipal Act, 2001, and a By-law regarding contraventions of municipal by-laws and powers of entry by the Town of LaSalle, as amended from time to time.

7.2 A By-law Enforcement Officer may inspect any property for the purpose of determining whether:

- a. the land is being used for the dumping or disposing of Refuse or Waste Material of any kind;
- b. the land is used for the storing of a used Motor Vehicle referenced in section 5.1 of this By-law; or
- c. the Owner has complied with an Order or penalty issued under this By-law.

## **8. Obstruction**

8.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law as authorized by section 426 of the Municipal Act, 2001.

## **9. Order**

9.1 A By-law Enforcement Officer may, by an Order to the Owner of the land delivered personally, or posting the Order on the property, or by sending the Order by registered mail, require that the Owner of the property do the matter set out in the Order within the specified time frame, at the Owner's expense.

9.2 Every Order sent by registered mail shall be sent to the address shown on the most recent assessment roll and will be deemed as delivered on the eighth (8th) day after the date of mailing.

9.3 The Order issued by the By-law Enforcement Officer shall identify the land that is subject to the Order.

9.4 If the Owner fails to comply with an Order issued under this By-law, a By-law Enforcement Officer may issue a continuing Order directing or requiring the Owner to comply with the Order of the Town will attend the property to, at the Owner's expense, to ensure the Order is complied with for the remainder of that calendar year without any further Order issued.

9.5 If the Owner received a continuing Order in the previous calendar year, and the Owner failed to comply with the continuing Order, the By-law Enforcement Officer may issue a continuing Order for the current calendar year without first issuing any other Order.

9.6 Any matter or thing removed from the Owner's land during the process of ensuring compliance with the issued Order or continuing Order by the Town will be immediately disposed of by the Town.

9.7 The Town shall recover the costs of doing the matter or action set out in the Order by a Court action, or by adding the amount of the cost to the tax

roll of the Owner of the property, with an additional administrative fee and interest fee from the day the Town incurs the costs to the day the costs are paid in full, as established by the Town's User Fee By-law, as amended from time to time.

## **10. Enforcement**

- 10.1 Where an Owner or person is in default of doing the matter or action required to be done by the Order issued under this By-law, the By-law Enforcement Officer may enter upon the land at any reasonable time to do the matter or action at the Owner's expense and add the amount to the Owner's taxes.
- 10.2 The Town may register a Notice of Lien against the property for the amount of costs for completing the matter set out in the Order, which Notice shall constitute a lien upon the Owner's property once registered in the Land Registry Office.
- 10.3 Every Owner or person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction of a fine of not more than \$5,000.00, exclusive of costs, for each and every offence. Each day that the said offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. Each fine and cost shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P. 33 ("Provincial Offences Act"), as amended.
- 10.4 Each Owner who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty Program By-law, in effect at that time, be liable to pay the Town an Administrative Monetary Penalty.
- 10.5 If an Owner is required to pay an Administrative Monetary Penalty with respect to a contravention of a provision of this By-law, the Owner shall not be charged with an offence under the Provincial Offences Act with respect to the same contravention. Subsequent contraventions may be charged as an Administrative Penalty or an offence under the Provincial Offences Act.

## **11. Conflict**

- 11.1 Where there is a conflict between a provision of this By-law and a provision of any other Town By-law, the provision that establishes the highest standards to protect the health and safety of the public shall prevail.
- 11.2 Where the provisions of this By-law conflict with any other Act, the provisions of the provincial or federal act shall prevail.

## **12. Short Title**

- 12.1 This By-law may be referred to as the "Clean Yard By-law".

## **13. Repeal and Enactment**

- 13.1 By-law 7840 A By-law to Provide for the Maintaining of Land in a Clean and Clear Condition, passed by Council on December 15, 2015, is hereby repealed once this By-law takes force and effect.
- 13.2 Any By-laws or provisions in any By-laws inconsistent with this By-law is hereby repealed.
- 13.3 This By-law comes into force and effect on the day of the final passing thereof.

**Read** a first and second time and finally passed this 12 day of September, 2023.

1st Reading – September 12, 2023

2nd Reading – September 12, 2023

3rd Reading – September 12, 2023

---

Mayor

---

Clerk