

**The Corporation of the Township of North Frontenac**

**By-Law #41-20**

**Being a By-law to Repeal By-law #83-07 and to Provide for Yard Standards  
in the Township of North Frontenac**

**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 the 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 where 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 Be It Resolved That** Council repeals By-law #83-07 and enacts the attached Schedule “A” as the Yards Standards Policy for the Council of the Corporation of the Township of North Frontenac;

**And That** all resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.

This By-law shall come into force and take effect on the date of final passing.

**Read** a first and second time this 19<sup>th</sup> day of June, 2020.

**Read** a third time and passed this 19<sup>th</sup> day of June, 2020.

---

**Mayor**

---

**Clerk**

## Schedule “A” To By-law #41-20 Yards Standards Policy

### 1.0 Short Title

1.1 This By-Law may be cited as the “Yard Standards By-Law.”

### 2.0 Definitions

2.1 In this By-Law:

- (a) **“Construction”** means erecting, altering, repairing, maintaining, painting, dismantling or demolishing any building or structure, and moving, land clearing, grubbing, tree removal, earthmoving, grading, excavating, operating construction equipment, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work.
- (b) **“Council”** means the Council of the Corporation of the Township of North Frontenac.
- (c) **“Fence”** means any structure constructed of posts, boards, rails, wire, masonry or similar materials or any combination thereof used to define a property boundary or to enclose any outdoor area.
- (d) **“Graffiti”** means writing or drawings made on a structure, wall or other surface, usually as a form of artistic expression, without permission and within public view.
- (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.
- (f) **“ICI waste”** means waste produced by Industrial, Commercial and Institutional operations, and may include household waste generated by such operations, as defined under the *Environmental Protection Act* and its regulations, all as amended from time to time.
- (g) **“Inoperative”** means not in working condition.
- (h) **“Maintain”** means the preservation or keeping in repair of a property as required by this By-Law.
- (i) **“Municipal By-law Enforcement Officer”** means the designated by-law enforcement officer(s) of the Township of North Frontenac, or any of them.

- (j) **“Premises”** means a piece of land and any buildings and structures on it, and includes a place of business, highway, and any other location or place.
- (k) **“Property”** means a building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings, mobile structures and outbuildings erected thereon.
- (l) **“Residential Property”** means any property that is used or designed for use as a domestic establishment in which one or more persons regularly or occasionally sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces, and fences associated with the dwelling or its yard.
- (m) **Salvage Yard** means an establishment where motor vehicles, metal, machinery or parts thereof, goods, wares, merchandise, articles or things are kept, repaired, processed or dismantled wholly or partly in the open, for further use and offered for sale.
- (n) **“Standards”** means the standards or physical condition prescribed for property by this By-Law.
- (o) **“Township”** means the Corporation of the Township of North Frontenac.
- (p)
- (q) **“Unused”** means stored or kept for the purpose of scrap or salvage.
- (r) **“Unlicensed”** means, in the case of a vehicle, without current and valid plates.
- (s) **“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.
- (t) **“Waste”** means any domestic waste, ICI waste, garbage, refuse or debris and includes all wastes as defined in the *Environmental Protection Act* and its regulations, all as amended from time to time.

### 3.0 General Duties and Obligation All Properties

3.1 Every property shall, at all times, 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.

3.2 Without limiting the generality of section 3.1 above, every property shall, at all times, be kept in a condition free from:

- (a) Any pit, precipice, excavation or deep waters that are unfenced or unprotected against risk or accident;
- (b) Any combustible, flammable, volatile, caustic or explosive substance unless stored under conditions that are safe, in compliance with any applicable laws and stored in a manner to minimize the risk of fire or accident; and
- (c) Buildings, fences, scaffolding, retaining walls or any other structure that, by reason of its ruinous or dilapidated state, faulty construction or otherwise is in an unsafe condition or may be susceptible to fire or accident.

#### **4.0 Waste**

- 4.1 Every property shall be kept free of waste, except as provided in this section.
- 4.2 All waste stored outside at any residential property, whether stored in the yard or on the property, shall be stored in a container in such a fashion as to prevent the harbouring of rodents, vermin or other wildlife and the scattering of debris.
- 4.3 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:
- (a) Constructed in such a fashion as to be easily accessed and emptied;
  - (b) Constructed in such a fashion as to be sealed against intrusion by rodents, vermin or other wildlife;
  - (c) Have a solid concrete or other impermeable material floor; and
  - (d) Cleaned or sterilized on a regular basis to minimize odour and the risk of health hazards.
- 4.4 No person, corporation or business shall store or accumulate any waste for any period greater than seven (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 or equipment shall be arranged in a neat and orderly manner;
  - (b) Stored materials or equipment shall not create a fire or accident hazard; and
  - (c) Stored materials or equipment shall be arranged so that unobstructed access for emergency vehicles is ensured.
- 5.2 Salvage yards shall be effectively screened from all other properties or highways by a solid wall or board fence not less than 2.0 meters or greater than 3.0 metres or a solid hedge not less than 3.0 metres measured perpendicularly to the lot line it abuts and not less than 1.2 meters high at maturity; and shall comply with the Zoning By-law.
- 5.3 No person shall store or allow to be stored on any property any discarded or unused material or items. Without limiting the generality of the foregoing, the following are deemed to be materials that are discarded or unused:
- (a) Lumber, plywood, drywall, shingles, insulation, flooring, carpeting, windows, glass, bricks, stone or any other construction material; or
  - (b) Household furniture, appliances, tools, bicycles, snow mobiles, equipment, machinery or any parts thereof.
- 5.4 Despite section 5.3, a person may store discarded or unused materials only where the material is:
- (a) Piled in an organized manner; and
  - (b) Stored in an area to the rear of the main structure and stored in such a manner as to not be visible to adjoining properties.

## **6.0 Property Maintenance**

6.1 In addition to all other provisions of this By-law, all properties, including yards, parking lots or vacant land located within the Township shall be maintained in accordance with the following standards:

- (a) All lands surrounding a building or group of buildings or a vacant lot in the Hamlet Zone shall be free of conditions that are out of character with the surrounding lands and neighbourhood including being:
  - (i) Kept free of weeds, noxious plants or other vegetation that may promote or be susceptible to fire or infestation by rodents, in accordance with the Weed Control Act and any other applicable Act;
  - (ii) the removal, trimming, or cutting of weeds, grass or ground cover more than 20 centimeters in height where appropriate; and
  - (iii) kept free of dead or damaged trees;
- (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, including without limitation waste and material to be recycled or reused, may be stored in the yard during construction or renovation providing such materials are piled in an organized manner;
- (c) Where a building or structure is undergoing construction or renovation all waste materials shall be removed from the property within 30 days of the generation of the material; and
- (d) Where a building or structure is undergoing demolition all materials shall be removed within 14 days of completion of the project.

6.2 Every person who erects a fence or causes a fence to be erected on or around any property shall keep such fence:

- (a) Maintained and in good repair; and
- (b) in a safe and structurally sound condition and free from hazards.

6.3 The prohibitions described in section 6.1(a) do not apply to activities that are part of a normal farm practice and carried on as part of an agricultural operation.

## **7.0 Storage of Vehicles: Commercial Properties**

7.1 All properties zoned to permit commercial uses must 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 property, 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 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 2.0 meters or greater than 3.0 metres or a solid hedge not less than 3.0 metres measured perpendicularly to the lot line it abuts and not less than 1.2 meters high at maturity; and shall comply with the Zoning By-law.

### **8.0 Storage of Vehicles: Residential Properties**

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

- (a) No unlicensed vehicle shall be parked or stored on the property;
- (b) No vehicle that is in a wrecked, dismantled or inoperative, condition shall be parked or stored in a property except in accordance with the following;
- (c) Despite section 8.1(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) All vehicles:
    - a. Are parked in a driveway or designated parking area; and
    - b. Do not have the appearance of being derelict or abandoned or;
    - c. Are covered with a car cover or tarpaulin in good condition; or

### **9.0 Graffiti**

9.1 No person shall place or permit graffiti to be placed on property.

9.2 Every owner of property shall maintain their property free of graffiti.

### **10.0 Administration, Enforcement and Appeal**

10.1 This By-Law shall be administered by the Chief Administrative Officer, and as directed by the Chief Administrative Officer, enforcement shall be administered by the Municipal By-law Enforcement Officer or any other person appointed by Council to enforce such regulations.

10.2 Where an inspection by the Municipal By-law Enforcement Officer reveals that:

- (a) the property or premises does not conform to the standards prescribed by this By-law; or
- (b) a person is contravening any provision of this By-law;

the Township's Chief Administrative Officer or as directed by the Chief Administrative Officer, the Municipal By-law Enforcement Officer may give a written order to any owner,

occupant of the property or person alleged to have contravened any provision of this By-law ordering that the owner, occupant or person comply with this By-law.

10.3 An order issued under this By-law shall set out:

- (a) The person's name, address and location of the contravention;
- (b) Sufficient particulars of the contravention to adequately identify the contravention and the location on the property or premises of the contravention;
- (c) An order to cease the contravention and a date by which the contravention must cease.

10.4 An order issued under this By-law may set out:

- (a) An order to remedy the contravention, indicating the particulars of what must be remedied;
- (b) The date by which the contravention must be remedied; and
- (c) 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.

10.5 An order issued pursuant to this By-law may require work to be done even though the facts that constitute the contravention of this By-law were present before this By-law came into force.

10.6 Any order given by the Township in accordance with any section of this By-law 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.

10.7 If the owner or occupant of a property or other person 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 or premises to be brought into a condition that conforms to this By-law at the owner's, occupant's or other person's expense and, for this purpose, the Township's employees or agents may enter onto any property or premises at any reasonable time without further notice to the owner, occupant or other person in order to do such work and rectify any contravention of this By-law.

10.8 The Township may remove items from any property or premises where the item is part of the contravention of this By-law. Where any item is removed 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.

10.9 At the end of the 30 day period referred to above, the Township may dispose of any items removed in accordance with this By-law and retain any proceeds from the disposal.



- 10.10 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.
- 10.11 Despite any actions taken in respect to this By-law, 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 exercise of its powers under this by-law.
- 10.13 A Municipal By-law Enforcement Officer or any person acting under his/her instructions may at all reasonable times, upon producing proper identification, enter upon any parcel of land, excluding any building used as a dwelling, for the purpose of conducting an inspection to determine whether there is or has been a contravention of this By-law, or a direction or order issued under this By-law.
- 10.14 A Municipal By-law Enforcement Officer may, as part of his/her inspection:
- (a) Require the owner, occupant or any person the Municipal By-law Enforcement Officer reasonably believes may have information related to the alleged contravention to produce for inspection any document or thing 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; 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.
- 10.17 A Municipal By-law Enforcement Officer who removes any document or thing in accordance with this By-law shall provide the owner, occupant or other person with a receipt for the document or thing and shall return the document or thing once it is no longer required for purposes of enforcement by the Township.
- 10.18 The Township may request an order from a Provincial Judge or Justice of the Peace authorizing a Municipal By-law Enforcement Officer to enter on any property for the purpose of carrying out an inspection for a purpose described in this By-law and to exercise powers described in the order where the Township has been prevented or is likely to be prevented from doing anything set out in this By-law. An order under this subsection:
- (a) Shall state the date on which it expires, which date shall not be later than 30 days after the day the order is issued;
  - (b) May be executed only between 6 a.m. and 9 p.m. unless the order provides otherwise;
  - (c) In the case of an order authorizing an inspection of a room or place actually being used as a dwelling, the occupier must be given notice concerning when the inspection will be carried out; and
  - (d) May be issued on application without notice.

- 10.19 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.
- 10.20 In addition to all other remedies, the Township may charge a fee, to a maximum of 100% of all costs incurred by the Township, for all costs incurred by the Township pursuant to this By-law to remedy any contravention.
- 10.21 All costs incurred by the Township to remedy a contravention of this By-law as provided for herein, including the storage of any item, shall be due within 90 days from the date of an invoice delivered by the Municipality.
- 10.22 All fees charged to remedy a contravention as provided for herein shall be subject to 1.25% interest per month on the outstanding amount following the date the fee is due.
- 10.23 All fees including any interest thereon and due to the Township in accordance with this By-law may be added to the tax roll of the real property owned by the person(s) that incurred the fees arising from the remedy of the contravention and collected in like manner as municipal taxes.
- 10.24 The Township shall not be liable to the owner or any other person by reason of any work conducted, the storage of any item or any other loss occurring during the exercise of the powers contained within this By-law.

## **11.0 Offences**

- 11.1 Any person who fails to comply with an order issued under this By-Law is guilty of an offence.
- 11.2 Any person who breaches any provision of this By-law is guilty of an offence.
- 11.3 Any person who obstructs or hinders a Municipal By-law Enforcement Officer in the performance of his or her duties under this By-law is guilty of an offence.
- 11.4 Upon conviction of an offence under this By-law, the maximum fine for an individual shall be \$5,000.00 for a first conviction and a maximum of \$10,000.00 for every subsequent conviction under this By-law.
- 11.5 Upon conviction of an offence under this By-law, the maximum fine for a corporation shall be \$10,000.00 for a first conviction and a maximum of \$20,000.00 for every subsequent conviction under this By-law.
- 11.6 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**

12.1 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**

13.1 This By-law shall apply to all property within the limits of the Township of North Frontenac.

**14.0 Effective Date**

14.1 This By-Law shall come into force and take effect on the date of its passing.