



The Corporation of the Town of Orangeville

By-law Number 2025-XXX

A By-law to regulate the maintenance of land in the Town of Orangeville

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended hereinafter referred to as the "*Municipal Act*", provides a municipality may pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS Section 127 of the *Municipal Act* authorizes a municipality may pass by-laws requiring an owner or occupant of land to clean and clear the land, not including buildings; and

WHEREAS Section 128 of the *Municipal Act* authorizes a municipality to pass by-laws prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause nuisances; and

WHEREAS Section 131 of the *Municipal Act* authorizes a 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 431 of the *Municipal Act* authorizes that where any by-law of a municipality under the *Municipal Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention; and

WHEREAS section 436 of the *Municipal Act* authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections; and

WHEREAS sections 444 and 445 of the *Municipal Act* authorize a municipality to make orders to discontinue, or to correct, the contravention of a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Orangeville hereby enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“Administrative Penalty By-law” means the **Administrative Penalty By-law** of the **Town**, as amended from time to time, or any successor thereof.

“Corporation” includes a company, **corporation**, cooperative, partnership, firm, sole proprietorship, association, society, organization, or any other legal entity that is not an Individual;

“County” means the **Corporation** of the **County** of Dufferin;

“Derelict” means, with respect to any vehicle (other than a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended), machinery, trailer, boat, or vessel;

- i. Which has broken or missing parts of such sufficiency so as to render it incapable of being licensed to operate where such licensing is necessary in its current condition, but shall not include a motor vehicle actively being repaired by the owner or;
- ii. Which is in a wrecked, dismantled, discarded, inoperative or abandoned condition.

“Derelict Vehicle” means a motor vehicle as defined in the *Highway Traffic Act* that is;

- i. Is not licensed or eligible to be licensed by virtue of a current valid Safety Standards Certificate having been issued for that vehicle.
- ii. Is in a state of disrepair by reason of missing doors, glass or body parts;
- iii. Is inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment

“Fill” means any type of material capable of being removed from or deposited on **property**, such as soil, stone, sod, turf, concrete, and asphalt either singly or combination.

“Highway” includes a common and public **highway**, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any portion of which is intended for or used by the general public for the passage of vehicles and includes the lateral **property** lines thereof;

“Industrial Waste” means any debris, **refuse**, sewage, effluent, discard or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry, commerce, industrial or commercial **property** including, but not limited to, garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a **property** due to exposure to the weather;

“Infestation” means the overrunning of a **property** by vermin, rodents and/or insects;

“Litter” means debris, rubbish, filth, garbage or waste of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings,

ashes, bottles, cans, cartons, construction material, discarded appliances, clothing, furniture and household effects, **derelict** mechanical equipment, kitchen wastes, lumber, packing materials, paper, soil, soot, tree trimmings and pruning's, garden waste, stumps, branches, worn automobile tires, used oil and automobile parts;

"Noxious Weed" means, as defined in the Weed Control Act, R.S.O. 1990, c. W. 5, as amended, a plant that is deemed to be a **noxious weed** under subsection 10(1) or designated as a **noxious weed** under section 24(a) of the Weed Control Act, R.S.O. 1990, c. W. 5, as amended;

"Occupant" means any **person** over the age of eighteen (18) years in possession of the **property**;

"Officer" means a municipal law enforcement **officer**, inspector or other **person** appointed or employed by the Municipality to enforce by-laws, statutes and/or regulations;

"Owner" includes:

- i. The registered **owner** of the **property** as revealed in the Land Registry Office;
- ii. The **person**, for the time being, managing or receiving the rent from a building on the **property**, whether on the **person's** own account or as agent or trustee of any other **person**, or who would receive the rent if the building on the **property** were let; and,
- iii. A lessee or **occupant** of a **property**;

"Person" includes an **owner**, an individual, a **corporation** and its heirs, executors, administrators, or other representatives of a **person** to whom the context can apply according to law;

"Pests" means rodents, vermin or insects;

"Property" means a yard, building, accessory building, and includes all mobile homes, mobile buildings, mobile structures, outbuildings, structures, a fence, vacant **property** and heritage **property**;

"Refuse" means and includes:

- i. Debris, junk rubbish, or effluent belonging to or associated with a house or household or industry, trade or business, and without limiting, all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements;
- ii. **Litter**;
- iii. **Industrial waste**;
- iv. **Derelict** machinery, trailers or boats;
- v. **Derelict vehicles**;
- vi. Accumulations of broken concrete or asphalt pavement, brick or stone pavers, sidewalk slabs, rubble, inert **fill**, and all other used building materials;
- vii. Waste lumber, construction and demolition waste, skids or pallets
- viii. Indoor furniture, dilapidated outdoor furniture, household appliances and electronic

- equipment;
- ix. Furnaces, furnace parts, ducting, plumbing, pipes, fittings to pipes, water or fuel tanks, cables, wire or wire fencing;
- x. Wrecked, incomplete, dismantled, partially dismantled, inoperative, discarded or abandoned mechanical equipment, mechanical parts, accessories, or adjuncts to piping, tubing, conduits, or cable;
- xi. Containers of any size, type or composition not being used;
- xii. Organic waste, other than organic waste placed in a composting container
- xiii. Uncut wood in its natural state, including but not limited to logs, branches, tree trunks, or limbs, that have not been split or cut into lengths and stacked neatly to be used as firewood or to be collected by a waste management facility;
- xiv. Sewage
- xv. Ashes
- xvi. Excrement
- xvii. Any article, product, or goods of manufacture, that by reason of its state, condition or excessive accumulation:
 - a. Has been cast aside, discharged or abandoned
 - b. Is disused from its usual and intended use, or
 - c. Is used up, in whole or in part, or expanded or worn out in whole or in part.
- xviii. **Refuse** as defined by this by-law does not cease to be **refuse** by reason only that it may be commercially saleable or recyclable.

“Standing Water” means any water, other than a natural body of water that exists on a permanent basis, that is found either on the ground or in or on **refuse** or debris as defined in this by-law, but shall not include any of the following maintained in good repair:

- i. Swimming pool;
- ii. Hot tub
- iii. Water feature; or
- iv. Artificial pond.

“Town” means the **Corporation** of the **Town** of Orangeville or the land within the geographic limits of the **Corporation** of the **Town** of Orangeville, as the context requires.

“Weed” means a **noxious weed** or **weeds** designated by or under the *Weed Control Act*, R.S.O. c.W.5, as amended or replaced, including any **weed** designated as a local or **noxious weed** under a by-law of the **Town** passed under the Act.

2. MAINTENANCE STANDARDS – VEGETATION

- 2.1. Every **owner** shall ensure that all long grass, brush, undergrowth and weeds are kept trimmed to a maximum height of 15 cm (6 inches), in front of, alongside, or at the rear of any **property**;
- 2.2. Notwithstanding section 2.1, this By-law does not apply to open space **Town** lands that have been naturalized.

2.3. Every Owner shall ensure that **weeds** are controlled by:

- a) Pulling or otherwise removing the plants from the soil;
- b) Cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after cutting;
- c) Turning the soil in which the plants were growing so as to kill the **weeds**; or
- d) In the case of poison ivy, treating it with a herbicide that causes the plant to be destroyed, or prevents the growth of plants or the ripening of its seeds, provided that nothing in this clause authorizes the use of any herbicide contrary to any law in force in the Province of Ontario.

2.4. Every owner shall keep their land and structures clean and free from:

- a) Dead, decaying, felled, fallen or damaged trees, or other natural growth, and the branches or limbs thereof which may create an unsafe condition, and
- b) **Infestation**, injurious insects, termites, rodents, vermin or other **pests** or other conditions which may result in the harbouring of such **pests**;

2.5. Every owner shall ensure that trees or shrubs on their land do not interfere with:

- a) The **Town's** or **County's highways**, works, including sewer and water pipes;
- b) Pedestrian or vehicular traffic on a **highway** and/or sidewalk;
- c) Motorists or pedestrians' view of directional signs or traffic control devices on a **highway**;
- d) The sightline of motorists or pedestrians;

3. MAINTENANCE STANDARDS – REFUSE

3.1. Every owner of **property** shall keep their **property** free and clear of all **refuse**.

3.2. Every owner shall ensure that accessory structures are kept clean and free from conditions that create health or safety hazards.

3.3. No **person** shall deposit or allow to be deposited **refuse** either deliberately or accidentally onto private **property** or **property** owned by the **Town** or **County**, for the purpose of dumping or disposing of **refuse**, unless consent is given by the **property** owner.

3.4. **Refuse** as defined by this by-law does not cease to be **refuse** by reason only that it may be commercially saleable or recyclable

3.5. Every owner of **property** on which **refuse** has been thrown, placed, dumped, stored, or deposited shall remove the **refuse** from their **property** so that the **property** is in a clean and tidy condition.

3.6. A **person** shall be deemed not to have breached Section 3.1 above by placing **refuse** out for collection in accordance with Dufferin **County** Waste Collection By-law 2012-36 as

amended;

- 3.7. Every owner shall ensure that all **refuse** accumulated on their **property**, when not placed out for collection, is stored in containers which are:
- a) Made of rigid, watertight construction, and in good condition;
 - b) Have a tight-fitting cover, which may be removed only when the container is empty or is being actively loaded; and located only in the side or rear yard or screened from public view against a building, structure, fence or retaining wall and arranged in an orderly manner.
- 3.8. No **fill** shall be allowed to remain in an unlevelled state on any **property** longer than seven (7) days unless the **property** is:
- a) A **property** on which a building permit or site alteration permit is in effect;
 - b) A **property** being subdivided under a subdivision agreement with the **Town**;
 - c) **Property** upon which material is being stored is with the approval of the **Town** or **County** in connection with a public works contract;
 - d) Zoned for such use pursuant to the **Town's** Zoning By-law.

4. FIREWOOD STORAGE

- 4.1. An owner or **occupant** may only store firewood for domestic use on a **property** in a location that is not adjacent to a public **highway**, subject to the following conditions:
- a) Firewood stored in a side or rear yard of a **property** shall be at least 60 cm (24 inches) from every **property** line;
 - b) No piece of firewood shall exceed 60 cm (24 inches) in length;
 - c) All firewood shall be stacked in an orderly pile;
 - d) No firewood piles shall exceed 1.5 metres (60 inches) in height or cover more than 15% of the area of the yard;
 - e) No firewood shall be piled along a fence that borders a **property** containing a swimming pool.

5. DERELICT VEHICLES

- 5.1. Every Owner shall keep their **property** free and clear of **derelict vehicles**;
- 5.2. The restriction in section 5.1 shall not apply to a **derelict vehicle** that is wholly contained within a building.

6. STANDING WATER, WATER DISCHARGE AND DRAINAGE

- 6.1. Every owner shall keep their **property** free of **standing water**
- 6.2. Every owner shall keep their land free of containers or **refuse** capable of holding **standing water** in such a manner as to be exposed to the breeding of and/or larval growth of insects.
- 6.3. Every owner shall ensure that a swimming pool, hot tub, wading pool or residential

ornamental landscaped water feature does not become stagnant or abandoned, and is maintained in a proper operating condition and good repair;

- 6.4. Every owner shall ensure that their **property** is free and clear of excavations capable of holding **standing water**
- 6.5. Every owner shall ensure that sump pump water is discharged into the front, rear or side yard a minimum of 4 feet from the building face;
- 6.6. Every owner shall ensure that where downspouts or roof gutters are provided, roof water shall be discharged via a downspout into the front, rear or side yard a minimum of 4 feet from the building face;
- 6.7. Where a sump pump discharge pipe or downspout has been connected to an underground discharge piping system, the water discharge shall be directed to a catch basin, swale, or ditch located on the **property**, or shall not be discharged within 4 feet of adjoining properties, including **Town** sidewalks or **highways**;
- 6.8. Notwithstanding, where a sump pump discharge or downspout discharge, they shall not be discharged onto or impact adjacent properties;

7. PARKING AREAS AND WALKWAYS

- 7.1. Every owner shall ensure the steps, walkways, driveways, parking spaces and other similar areas are maintained so as to afford safe passage in all weather conditions.

8. ADMINISTRATION AND ENFORCEMENT

- 8.1. The enforcement of this By-law shall be conducted by an **Officer**

9. INSPECTION

- 9.1. An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) This by-law; or
 - b) An order made under Section 431 of the Municipal Act, 2001
- 9.2. For the purposes of conducting an inspection pursuant to Section 9.1 of this by-law, the **Town** may, in accordance with the provisions of s. 436 of the Municipal Act, 2001;
 - a) Require the production for inspection of documents or things relevant to the inspection;
 - b) Inspect or 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. ORDERS

10.1. An **Officer** may give an owner an Order to Comply in accordance with Section 435 of the Municipal Act, 2001, requiring the owner, within the time specified in the Order, to clean, clear or remedy any contraventions indicated within this By-law

10.2. Every Order issued by the **Officer** shall:

- a) Give the address of the **property** or vacant lot (or the legal description of the **property**) where the offence has occurred;
- b) Define with reasonable particularity and detail the material on the **property** that is subject of the offence;
- c) Prescribe a time period within which the owner is required to remedy the offence;
- d) Notice regarding the fees and charges.

10.3. Every Order to an Owner shall be sent to the address shown on the last revised assessment roll or to the last known address of such owner

10.4. Method of delivery of an Order: the order, and any subsequent written order amending or withdrawing the order, may be delivered by any one or more of the following methods:

- a) Personal delivery to the **person** to whom it is addressed;
- b) Personal or couriered delivery to either an adult **person** or to the mailbox of the residential address of the addressee;
- c) Delivery by regular, registered or certified mail;
- d) Delivery by facsimile transmission
- e) Delivery by email; or
- f) Posted in a conspicuous location on the **property** which is the subject matter of the Order.

10.5. Deemed service:

- a) Where an Order is personally delivered, it is considered to have been served at the date and time at which it was handed to the addressee;
- b) Where an Order is personally delivered to the residential address of the addressee, it is considered to have been served on the date and time at which it was delivered;
- c) Where an Order is delivered by mail, it is deemed to have been served on the fifth day after the day of mailing;
- d) Where an Order is posted on a **property** in accordance with Section 10.4(f), it is considered served at the date and time at which it was posted on the **property**.

11. REMEDIAL ACTION

11.1. Where an Order has been issued and compliance has not been achieved within the required time period set out in the Order, the **Town** may, through its employees, agents or **persons** acting on its behalf, enter upon the **property** to take the steps required to obtain

compliance, with the Order and all expenses incurred shall invoice back to the **property** owner and may be added to the tax roll and collected from the Owner in the same matter as municipal taxes.

12. OFFENCES

12.1. No **person** shall fail to comply with an Order issued under this By-law

12.2. No **person** shall hinder or obstruct an **Officer** appointed to enforce this By-law, nor shall any **person** obstruct any employee or agent authorized to carry out work for the **Town**, specified in an Order hereunder.

13. PENALTIES

13.1. Every **person** who contravenes any provisions of this By-law is guilty of an offence and, pursuant to section 429 of the Municipal Act, 2001, all contraventions of this By-law are designated as continuing offences.

13.2. Every **person**, excluding a **corporation**, who is convicted of an offence, is liable to a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.

13.3. Every **corporation** which is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.

13.4. In addition to the fine amounts set out in sections 13.2 and 13.3 of this by-law, for each day or part of a day that an offence continues, the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00)

13.5. All Sections of this by-law are hereby designated as parts of this by-law to which the **Administrative Penalty By-law** applies.

13.6. Any **person** who contravenes any Designated Provision of this by-law shall, upon issuance of a penalty notice in accordance with the **Administrative Penalties By-law**, be liable to pay an administrative penalty and all associated administrative fees.

14. SEVERABILITY

14.1. If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

15.INTERPRETATION

15.1. References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

15.2. In this By-law, unless the context otherwise requires, words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

16.REPEAL

16.1. That By-law 1999-056 is hereby repealed.

17.EFFECTIVE DATE

17.1. This By-law shall come into effect on Month, XX, 20XX.

Read a first, second and third time and finally passed this XX day of XXXXX, 20XX.

Lisa Post, Mayor

Raylene Martell, Clerk