

## THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

### BY-LAW NO. 105-24

*A By-Law to require the owner or occupant of land to clean or clear the land, or to clear refuse from the land.*

**WHEREAS** Section 10 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended (the “Act”), provides that a municipality may pass by-laws respecting matters including: 5. Health, safety and well-being of persons; 8. Protection of persons and property; 10. Structures, including fences and signs;

**AND WHEREAS** Section 127 of the Act, provides that a municipality may 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; may regulate when and how matters required under the by-law may be done; may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; may define “refuse” for the purpose of the by-law;

**AND WHEREAS** Section 128 of the Act, provides that a 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 129 of the Act, provides that a municipality may prohibit and regulate with respect to odour and dust;

**AND WHEREAS** Section 391 of the Act, provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** section 429 of the Act, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under that Act;

**AND WHEREAS** section 434.1(1) of the Act, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

**AND WHEREAS** section 435 of the Act, sets out general conditions for the Powers of Entry, including that the person exercising the power may be accompanied by a person under their direction;

**AND WHEREAS** Subsection 446(1) of the Act, provides that a municipality may direct that in default of clearing the land of refuse by the person directed or required to do it, the cleaning and clearing of land shall be done at the person’s expense;

**AND WHEREAS** Subsection 446(2) of the Act, provides that a municipality may enter upon land at any reasonable time for the purpose of cleaning and clearing the land of refuse;

**AND WHEREAS** Section 446(3) of the Act, provides that a municipality may recover the costs of clearing the land from the person directed or required to do it and the municipality may recover the costs 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 Municipality of North Grenville enacts as follows:

## **DEFINITIONS**

1. In this by-law:

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

“Art Mural” means a work of art depicting a scene or theme created in a specified location on a surface that has been approved by the property owner and deliberately implemented for the purposes of beautifying the specific location.

“Municipality” means the corporation of the Municipality of North Grenville.

“Compost Container” means an outdoor receptacle designed for the purpose of storing nonliving plant material as it decomposes into for use as a soil amendment. This does not include a municipal Green Bin.

“Corner Visibility Triangle” means a triangular area formed within a corner lot by the intersecting lot lines abutting two streets, or the projections thereof, and a straight line connecting them 10 metres from their point of intersection.

“Designated provision” means any section of this By-law designated in accordance with section 38.

“Director” means the Director of Planning and Development or their authorized representative.

“Driveway Visibility Triangle” means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and the street line or sidewalk (if existing) or the projections thereof, and a straight line connecting them 3 metres from their point of intersection.

“Graffiti” means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains, or other markings that disfigure or deface, howsoever made or otherwise affixed or applied to a building, structure, surface, or thing, but does not include an Art Mural, nor a sign authorized under the municipality’s Sign By-law.

“Inoperative Vehicle” shall mean a licensed or unlicensed vehicle having damaged, deteriorated, removed, or missing parts or equipment necessary for its safe operation.

“Land” includes yards, vacant lots, or any part of a lot which is not beneath a building; and for the purpose of this by-law includes unenclosed decks, unenclosed porches, unenclosed carports, and unenclosed garages accessory to a residential use.

“Last Known Address” means the address which appears on the last revised assessment roll of the Municipality.

“Lawn” means perennial turfgrass grown for ground cover, of a type that forms a dense, uniform turf when mown, including but not limited to Kentucky bluegrass, perennial ryegrass, or fine fescue.

“Nuisance” means any condition on a property that causes or is likely to cause unreasonable inconvenience, discomfort, harm, or interference to others, taking into account the nature, character, and reasonable expectations of the surrounding area. A nuisance is determined based on whether the condition exceeds what a reasonable person in similar circumstances would tolerate, as assessed by an Officer.

“Officer” means a police officer or a municipal law enforcement officer of the Municipality of North Grenville.

“Owner” includes a lessee or occupant of the land eighteen (18) years of age or older.

“Prohibited Plant” means any plant species designated by the Director as shown on *Schedule A – Prohibited Plants*.

“Receptacle” means a container used to hold refuse and includes green bins, recyclable material collection receptacles, waste collection receptacles and yard material collection receptacles.

“Refuse” means garbage, waste, or rubbish of any kind, including but not limited to;

- (a) rubble, debris, earth, rocks, and stones;
- (b) tree cuttings, limbs, and brush;
- (c) Inoperative Vehicles, and/or vehicle parts;
- (d) mechanical, electrical, and any kind of equipment or parts;
- (e) any type of tank including a fuel tank, oil tank, or water tank;
- (f) any and all domestic goods, furniture, or appliances;
- (g) recyclable material such as paper, cardboard, containers, or cartons;
- (h) material from construction or demolition projects;
- (i) liquids or effluents;

- (j) bones, feathers, animal hides or carcasses;
  - (k) commercial shopping carts, and;
- even where such material has commercial value.

“Vegetative Growth” means a plant garden and includes, without limiting the generality of the foregoing, an annual or perennial flower garden, food garden, rain garden, hedge, shrub, plant, vine, and groundcover, but does not include trees or Lawn.

## **GENERAL PROVISIONS**

### **Removal of Refuse, Prohibited Plants, and Graffiti**

- 2. An Owner shall remove any Refuse from their Land so that it is left in a clean and clear condition.
- 3. An Owner shall ensure their Land is kept clean, clear, and free from objects or conditions, that may create a public health or safety hazard, or a nuisance.
- 4. An Owner of land which is physically located within lands identified on Schedules “B-1” (Hamlets – West Half of Municipality), “B-2” (Hamlets – East Half of Municipality), “C” (Kemptville Urban Service Area), or any lands which are zoned Rural Residential on any schedule within the Comprehensive Zoning By-law, shall ensure their land is kept free and clear of any Prohibited Plants.
- 5. Section 4 shall not apply to a property where the parent zone category is I, A, RU, WM, or M.
- 6. An Owner shall keep their Land, including any buildings, structures, fences, and surfaces free and clear of Graffiti.

### **Vegetative Growth & Lawn**

- 7. An Owner shall ensure Lawn on their Land does not exceed 20cm (8 inches) in height or length.
- 8. An Owner shall ensure Vegetative Growth on their Land does not exceed 0.9m (3 feet) in height within any Corner Visibility Triangle or Driveway Visibility Triangle.
- 9. An Owner shall ensure that Vegetative Growth or Lawn on their Land do not create a public health or safety hazard, or a nuisance.

## **Containment and Storage of Refuse**

10. Every Owner shall ensure that Refuse is stored in Receptacles that:
  - (a) are made of rigid, watertight construction;
  - (b) have a tight-fitting cover, which may be removed only when the container is empty or when actively loaded or cleaned;
  - (c) are maintained in good condition without holes or spillage;
  - (d) are kept clean to prevent the escape of waste, prevent litter or offensive odours.
11. Every Owner shall ensure Refuse is placed for collection in accordance with By-Law No. 7-21, or its successor.
12. Every Owner shall ensure Refuse is not stored or kept for longer than 14 days.
13. Where an exterior bin or bulk storage container storage system is used to store Refuse the Owner shall ensure that all exterior bin or bulk storage containers are:
  - (a) equipped with lids, covers, or similar devices which are readily operable but not left open except when actively being loaded;
  - (b) large enough to contain all waste generated between collections by the occupants the system is designed to serve;
  - (c) not loaded beyond the top of the container, and;
  - (d) kept neat, tidy, litter, and vermin free.

## **Outdoor Furniture**

14. Every Owner shall ensure that any furniture that is located on their Land is kept in a clean, neat, and tidy condition and maintained in good repair.

## **Swimming Pool Water**

15. Every Owner shall ensure water within a swimming pool on their Land is kept in a condition which is not:
  - (a) a health or safety hazard;
  - (b) malodorous, or;
  - (c) a breeding place or habitat for animals, including insects.

## **PROHIBITIONS**

### **Refuse Deposited on Land - prohibited**

16. No person shall throw, place, or deposit Refuse on any Land without lawful authority

### **Refuse not cleared from Land – prohibited**

17. No Owner shall fail to clear their Land of refuse.

### **Vegetative Growth and Lawn – fail to maintain - prohibited**

18. No Owner shall fail to maintain Vegetative Growth or Lawn on their Land in accordance with the provisions of this by-law.

### **Prohibited Plants – removal**

19. No Owner shall fail to remove Prohibited Plants identified as part of this by-law from their Land.

### **Refuse Containment - prohibited**

20. No Owner shall fail to contain Refuse within Receptacles maintained in accordance with the provisions of this by-law.

### **Excavation – failure to enclose – prohibited**

21. No Owner shall fail to enclose any excavation on their Land with a temporary barrier at least 122 centimetres (48 inches) in height.

### **Water – 30 cm deep – failure to drain – prohibited**

22. No Owner shall fail to drain an accumulation of water on their Land that exceeds 30 centimetres (12 inches) in depth

### **Outdoor Furniture – fail to maintain – prohibited**

23. No Owner shall fail to maintain outdoor furniture on their Land in accordance with the provisions of this by-law.

### **Swimming Pool Water – fail to maintain - prohibited**

24. No Owner shall fail to keep or maintain the water in a swimming pool on their Land in accordance with the provisions of this by-law.

### **Graffiti - removal**

25. No Owner shall fail to remove Graffiti from buildings, structures, erections, or objects on their Land in accordance with this by-law.

**Obstruction of Officer - prohibited**

26. No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer in the enforcement of the provisions of this by-law.

**Contravention of Order - prohibited**

27. No Owner shall contravene a Work Order or an Order to Discontinue Activity.

**Failure to comply with Administrative Regulations - prohibited**

28. No Owner shall fail to comply with any administrative regulations made as part of this by-law.

**EXEMPTIONS****Active Construction – exemption**

29. Sections 10, 11, 12 and 13 of this by-law do not apply to Land on which construction is proceeding under a valid building permit except where materials have been removed from an existing building or are awaiting disposal.

**Site Plan – exemption**

30. Sections 10, 11, 12 and 13 of this by-law do not apply to Land where approval under a Site Plan has been obtained that includes regulations pertaining to the containment and location of garbage.

**Outdoor storage – lawful – exemption**

31. Sections 10, 11, 12 and 13 of this by-law do not apply to Land which is lawfully used for outdoor storage of materials in compliance with the Comprehensive Zoning By-law so long as the materials are not deemed by the Municipality to be Refuse.

**Municipal Lands and Parks - exempted**

32. This By-law does not apply to Land, including parks and road allowances, owned or operated by the Municipality of North Grenville, except with regard to section 16.

**Natural bodies of water – exemption**

33. Sections 15 and 24 of this by-law do not apply to natural bodies of water.

**Normal Farm Practices – exempted**

34. This By-law does not apply to normal farm practices carried on as part of an agricultural operation, as per the *Farming and Food Production and Protection Act, 1998*.

## **Weed Control Act**

35. The provisions of the *Weed Control Act* with respect to the destruction of noxious weeds take precedence over this By-law where noxious weeds or weed seeds are close enough to any land used for agricultural or horticultural purposes such that they interfere with that use, as per section 22 of the *Weed Control Act*.

## **Compost in a Compost Container – not Refuse**

36. Compost kept in a Compost Container shall not be considered Refuse.

## **ENFORCEMENT & INTERPRETATION**

### **Offence – fine for contravention**

37. Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.
38. Sections 2 through to 28 inclusive, of this By-law are hereby designated as parts of this By-law to which the Administrative Penalty By-law applies.
39. Any person shall, upon issuance of a penalty notice for a contravention of this By-law, in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Penalty By-law.
40. All the provisions of this by-law continue to apply in the Provincial Offences Act in addition to the designated provisions of this by-law.
41. Where a person has not paid the administrative penalty within thirty (30) days in accordance with the Administrative Penalty By-law, the Municipality may add the administrative penalty to the tax roll for any property for which the owner or owners are responsible for paying the administrative penalty under Section 39.

### **Continuation – repetition – prohibited – by Order**

42. The court in which a 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.

### **Default – not remedied – fee**



43. Where anything required or directed to be done in accordance with this by-law is not done, the Director of Planning and Development may upon such notice as they deem suitable, do such thing at the expense of the Owner, and in so doing may charge an administrative fee as provided in the Municipality of North Grenville Fees and Charges By-law. Any expenses and fees incurred by the Municipality that are not paid by the Owner may be recovered by action or by adding the costs to the municipal tax roll and collecting them in the same manner as property taxes.

#### **Removal - immediate disposal**

44. Where any of the matters or things are removed in accordance with section 43 of this by-law, the matters or things may be immediately disposed of by the Director.

#### **Officer – entry to inspect**

45. An Officer designated to perform inspections pursuant to this by-law may, at all reasonable times, enter onto Land for the purposes of inspection of the Land.

#### **Municipality – bring property to compliance**

46. Where the Municipality proceeds pursuant to section 43 of this by-law, an Officer may enter onto Land accompanied by any person under their direction and with the appropriate equipment as required to bring the property into compliance with this by-law.

#### **Order to Discontinue Activity**

47. If an Officer is satisfied that this by-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the Owner of the Land on which the contravention occurred, to discontinue the contravention.

#### **Order to Discontinue Activity - particulars**

48. An Order to Discontinue Activity shall set out:
- (a) the municipal address of the property on which the contravention occurred;
  - (b) the date of the contravention;
  - (c) the reasonable particulars of the contravention of the by-law;
  - (d) the date by which there must be compliance with the order; and
  - (e) the date on which the order expires.

#### **Order to Discontinue Activity - service**

49. The Order to Discontinue Activity may be served personally on the person to whom it is directed, by email, or by regular mail to the Last Known Address of

that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation may be effected by registered mail to the corporate mailing address.

### **Work Order – contravention of by-law**

50. If an Officer is satisfied that a contravention of the by-law has occurred, the Officer may make an order, known as a Work Order, requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner of the Land on which the contravention occurred to do the work to correct the contravention.

### **Work Order - contents**

51. A Work Order shall set out:
- (a) the municipal address or the legal description of the Land;
  - (b) reasonable particulars of the contravention and of the work to be done;
  - (c) a deadline, being a specific date, for compliance with the Work Order; and
  - (d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the property's tax roll.

### **Work Order – service**

52. A Work Order may be served personally on the person to whom it is directed, by email, or sent by regular mail to the Last Known Address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation may be effected by registered mail to the corporate mailing address.

### **Interpretation**

53. In the interpretation of this by-law, words in the singular include the plural and vice-versa, words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust, and unincorporated organization.

## **POWERS OF THE DIRECTOR**

54. In addition to any other power, duty or function delegated in this By-law, the Director of Planning and Development may make administrative regulations under this By-law including:
- (a) prescribing the format and content of any forms or other documents required under this By-law, and;

(b) adding or removing plant species to or from the List of Prohibited Plants

## **REPEAL – ENACTMENT**

### **By-law – previous**

55. By-law 46-07 is hereby repealed.

### **Effective date**

56. This by-law shall come into force and effect on April 16<sup>th</sup>, 2025.

### **Short Title**

57. The short title of this by-law shall be the “Yard Maintenance By-law”.

PASSED on this 16th day of April, 2025.

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Mayor

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Clerk

## **SCHEDULE "A" TO BY-LAW 105-24**

### ***Prohibited Plants***

<b>Item</b>	<b>Common Name</b>	<b>Scientific Name</b>
1	Barberry, common	Berberis vulgaris L.
2	Bedstraw, smooth	Galium mollugo L.
3	Buckthorn, European	Rhamnus cathartica L.
4	Chervil, wild	Anthriscus sylvestris (L.) Hoffmann
5	Coltsfoot	Tussilago farfara L.
6	Crupina, common	Crupina vulgaris Cass.
7	Cupgrass, woolly	Eriochloa villosa (Thunb.) Kunth
8	Dodder spp.	Cuscuta spp.
9	Dog-strangling vine	Vincetoxicum rossicum (Kleopow) Barbar.
10	Dog-strangling vine, black	Vincetoxicum nigrum (L.) Moench
11	Goatgrass, jointed	Aegilops cylindrica Host
12	Hogweed, giant	Heracleum mantegazzianum Sommier & Levier
13	Knapweed spp.	Centaurea spp.
14	Kudzu	Pueraria montana (Lour.) Merr.
15	Parsnip, wild	Pastinaca sativa L.
16	Poison-hemlock	Conium maculatum L.
17	Poison-ivy	Toxicodendron radicans (L.) Kuntze
18	Ragweed spp.	Ambrosia spp.
19	Ragwort, tansy	Senecio jacobaea L.
20	Sow-thistle spp.	Sonchus spp.
21	Spurge, cypress	Euphorbia cyparissias L.
22	Spurge, leafy	Euphorbia esula L.
23.	Thistle, bull	Cirsium vulgare (Savi) Tenore
24	Thistle, Canada	Cirsium arvense (L.) Scopoli
25	Tussock, serrated	Nassella trichotoma Hackel ex Arech.
26	Autumn Olive	Elaeagnus umbellata
27	Buckthorn	Common Buckthorn
28	Yellow Iris	Iris pseudacorus
29	Erect hedge-parsley	Japanese hedge-parsley/upright hedge-parsley
30	Garlic Mustard	Alliaria petiolata
31	Himalayan Balsam	Impatiens glandulifera
32	Deadly Nightshade	Atropa belladonna
33	Tree of Heaven	Ailanthus altissima
34	Phragmites	Phragmites australis