



THE CORPORATION OF THE TOWNSHIP OF CHAPPLE
(the "Municipality")

BY-LAW No.

BEING A BY-LAW to Regulate and Prescribe Standards for Yard Maintenance, Storage and Litter on Property within the Village of Barwick.

WHEREAS the Council of the Corporation of the Township of Chapple wishes to enact a By-law to regulate *Yard* maintenance and ensure a standard of general *Yard* cleanliness;

AND WHEREAS [Section 10\(2\)\(6\) of Municipal Act, 2001, S.O. 2001, c.25](#) authorizes *Council* to pass By-laws for the health, safety and well-being of *persons*;

AND WHEREAS [Section 127 of Municipal Act, 2001, S.O. 2001, c.25](#) authorizes *Council* to pass By-laws to require the *Owner* or *Occupant* of land to clean and clear the land, not including buildings, or to clear *Refuse* from the land, not including buildings; and further to regulate when and how matters required under clause shall be done; and to define *Refuse* for the purpose of this section;

AND WHEREAS [Section 128 of Municipal Act, 2001, S.O. 2001, c.25](#) authorizes *Council* to pass By-laws to 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 131 of the Municipal Act, 2001, S.O. 2001, c. 25](#), 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 446 of the Municipal Act, 2001, S.O. 2001, c.25](#) authorizes a municipality to require a *person* to do a matter or thing and in default of it being done by the *person* directed or required to do it, the matter or thing shall be done at the owners expense and add the cost to the tax roll;

AND WHEREAS the Council of the Township of Chapple deems it necessary and desirable to provide for maintaining of land in a clean and clear condition;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHAPPLE HEREBY ENACTS as follows:

1. SHORT TITLE

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

2. DEFINITIONS

- 2.1** "*Boat*" shall mean any vessel which floats on the surface of the water and is capable of carrying people or material whether motorized or not and includes, but not limited to, pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats when on the water or land.
- 2.2** "*Council*" shall mean the Council of the Corporation of the Township of Chapple.
- 2.3** "*Compost*" means contained or open composting of discarded organic material including plant material such as leaves, grass clippings, and kitchen waste, but does not include animal matter.
- 2.4** "*Fence*" means a vertical *Structure* including a railing, hedge, line of posts, shrubs, wire, gate boards or pickets or other similar substances used to enclose or divide in whole or in part a *Yard* or other land or to establish a boundary line.
- 2.5** "*Good Repair*" means maintained in such condition so as to be free from accident or fire hazard, structurally sound, in good working order, and not unsightly by reason of deterioration, damage or defacement.
- 2.6** "*Inoperative Vehicles, Boats and Machinery*"
- (a)** "*Inoperative Boat*" shall mean and includes a boat having missing bodywork components or parts, or damaged components, parts, bodywork, glass or deteriorated or removed metal adjunctions which prevent it from functioning in the way for which it was originally designed;
 - (b)** "*Inoperative Machinery*" shall mean and includes but is not limited to machinery that is unable to be operated as a result of being dismantled, broken, or incomplete, decayed or dilapidated;
 - (c)** "*Inoperative Vehicle*" shall mean and includes any motor vehicle, that is, dismantled, broken or incomplete, decayed or dilapidated by reason of:
 - missing or damaged part(s), tire(s), engine, drive train or body components or window(s); or
 - the removal or damage of other parts or equipment necessary for the motor vehicle's operation; or
 - being in an unsightly state of disrepair missing doors, glass, or body parts; or
 - being wrecked and incapable of use as a means of lawful transportation or has industry standard book value as a means of transportation that is less than the cost of repairs required to put it into a lawful operable

condition unless otherwise demonstrated by an authorized licensed mechanic; or

- does not have affixed to it a number plate with a current permit validation as required under the [Highway Traffic Act, R.S.O. 1990, c. H.8, as amended](#).

- 2.7** "*Motor Vehicle*" shall mean and includes an automobile, motorcycle, motor-assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise indicated in the [Highway Traffic Act, R.S.O. 1990, c. H.8, as amended](#).
- 2.8** "*Municipality*" shall mean the Township of Chapple.
- 2.9** "*Municipal By-Law Enforcement Officer*" shall mean any person appointed as such by the *municipality*.
- 2.10** "*Lot*" means a lot of record or any parcel of land described in a deed or other document legally which is capable of being alienated or disposed of separately and apart from adjacent lands.
- 2.11** "*Naturalized Area*" means a portion of a *Lot* containing *Vegetation* which is allowed to reproduce a population of native species through natural regeneration.
- 2.12** "*Negative Impact*" shall mean a condition that poses or constitutes an undue or unreasonable hazard or risk to life or health of any person on or about a *Property*, including:
- (a) Harm or material discomfort to any person;
 - (b) An adverse effect on the health of any person;
 - (c) Impairment of the safety of any person;
 - (d) Loss of enjoyment of normal use of *Property*; or
 - (e) Interference with the normal conduct of business.
- 2.13** "*Occupant*" means any *Person* or *Persons* over the age of eighteen years in possession of *Property*.
- 2.14** "*Owner*" includes the *Person* for the time being managing or receiving the rent of the land or premises, whether on the *Person's* own account or as agent or trustee of any other *Person* or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the *Property* who, under the terms of a lease, is required to repair and maintain the *Property* in accordance with the standards of maintenance and occupancy for the *Property*.
- 2.15** "*Person*" means an individual, firm, corporation, association, partnership, trust organization, trustee or agent and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law.
- 2.16** "*Property*" means a building or *Structure*, or part of a building or *Structure* and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile *Structures*, outbuildings, *Fences* and erections thereon whether heretofore or hereafter erected and includes vacant property.
- 2.17** "*Receptacles*" shall mean a closed container which prevents the escape of odours and the access of animals.

2.18 "Refuse" shall mean any article, thing, matter or belonging associated with a house or household, and any article, thing, matter or belonging associated with any industry, trade or business that in the opinion of the *Municipal By-Law Enforcement Officer* appears to be cast aside, discarded, abandoned, or appears to be worthless, useless, or of no practical value, or appears to be used up in whole or part, or work out, and without limiting the foregoing, may include:

- (a) Accumulations, deposits or remains of litter, rubbish or trash;
- (b) Accumulations of yard clippings, tree and garden cuttings, brush or leaves;
- (c) Animal waste product, animal feces, hides parts or carcasses other than those arising from industrial businesses legally operated on the land;
- (d) Appliances, including refrigerators, stoves, freezers, or any other appliances, and any parts thereof, including attached hinges, latches, locking or closing mechanisms and/or devices;
- (e) Clothing or other household linens lying in an unprotected condition;
- (f) Commercial waste;
- (g) Containers of any size, type, or composition, including cans, glass or plastic containers;
- (h) Crockery, dishes, pots, pans, glasses, cans, containers;
- (i) Dead or dying trees, branches or shrubs;
- (j) Derelict vehicles, including vehicle parts and/or accessories;
- (k) Dilapidated furniture or any indoor furniture;
- (l) Domestic waste;
- (m) Earth, rock, fill, sand, rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
- (n) Garden refuse and trimmings;
- (o) Inoperative motor vehicles, machinery, boats or trailers, parts and accessories, vehicle tires mounted or unmounted on rims, discarded bicycles, tricycles and their parts and accessories except as provided by Section 8 of this By-law;
- (p) Machinery and machinery equipment and/or parts, including furnaces, and/or furnace parts, pipes and/or pipe fittings, water tanks, fuel tanks, and/or septic tanks, tubing, conduits, cable fittings and/or other accessories;
- (q) Material resulting from, or as part of, construction or demolition projects, including decaying lumber or other debris and/or material that does not appear to be actively utilized or intended for construction purposes;
- (r) Matter that is reasonably useless or discarded material, including ashes, garbage and domestic, commercial, agricultural, industrial and institutional waste, excluding *Compost* kept in accordance with Section 5 of this By-law;
- (s) Mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;

- (t) Motor vehicle parts or machinery parts;
- (u) Objects or conditions that may create a health, fire or accident hazard;
- (v) Paper, paper cartons, cardboard or other paper products;
- (w) *Sewage*, as defined by this By-law;
- (x) Waste lumber, excepting only neatly cut and stacked firewood for use in a fireplace on the property;
- (y) Any other material that does not appear to be actively used for its intended purpose.

- 2.19** "*Sewage*" includes liquid waste containing human, animal, vegetable or other mineral matter, oils, chemicals, fuels and/or other liquid remains.
- 2.20** "*Structure*" means anything constructed or erected, the use of which requires location on or in the ground or attached to something located on or in the ground, but does not include the permanent way of a railway or any paved surface located directly on the ground.
- 2.21** "*Vegetation*" means any woody or herbaceous plant, material other than mature trees and includes shrubs, undergrowth, brush, weeds and grasses.
- 2.22** "*Weed*" means a plant that is deemed to be a noxious weed under the [Weed Control Act R.S.O. 1990, c.W.5.](#)
- 2.23** "*Yard*" means an area of land which is appurtenant to, and located on the same *Lot* as a building, *Structure* or excavation and is open, uncovered and unoccupied from the ground to the sky.

3. SCOPE AND APPLICATION OF BY-LAW

- 3.1** The provisions of this By-law shall apply to all *Property* located in the *Village of Barwick Settlement Area*, as set out in [Schedule A1](#) of the Township of Chapple's Zoning By-law, excluding land that is owned or occupied by the *Municipality*, the Province of Ontario, or the Federal Government of Canada, unless otherwise indicated;
- 3.2** Where a provision of this By-law conflicts with a provision of another By-law in force and effect in the *Municipality*, the provision that established the higher standard shall prevail in order to protect the health, safety and welfare of the general public;
- 3.3** This By-law does not apply to lands used for agricultural purposes, and nothing in this By-law serves to prohibit a normal farm practice under the [Farming and Food Production Protection Act, 1998, S.O. 1998, c.1.](#)

4. GENERAL

- 4.1** Every *Owner* or *Occupant* shall ensure that all repairs and maintenance of *Property* required by the standards prescribed by this By-law and schedules thereto shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purposes;

4.2 Every *Owner* or *Occupant* shall maintain their *Property* in conformance with the minimum standards as set out in this By-law.

5. YARD MAINTENANCE STANDARDS

Every *Owner* or *Occupant* shall ensure that all *properties* are free from:

- 5.1** *Refuse*, as defined in Section 2;
- 5.2** Objects or conditions such as holes, pits, excavations and trenches, that might create a fire, health or accident hazard unless otherwise legally permitted;
- 5.3** The storage or accumulation of commercial, industrial, agricultural, institutional or domestic materials, lumber and other building materials except if neatly piled and arranged and provided said storage is:
 - (a)** authorized and consistent with the terms of a development agreement if applicable; and
 - (b)** permitted and in compliance with the [Township of Chapple Zoning By-law](#); or
 - (c)** is being stored to be used for construction or renovation purposes on that *Property* under a valid building permit, and is stored for a period of time not to exceed 6 months;
- 5.4** Abandoned wells, cisterns, cesspools, privy vaults, pits or excavations that are not permanently sealed or secured by fence or cover, or netting unless the above or any of them are in active use, in which event they shall be secured by fencing with warning signs until they have ceased use;
- 5.5** Privately owned pool or pond where the water is not maintained to a sanitary condition, free from obnoxious odours and conditions that create a breeding pond for insects and that have a *Negative Impact* on neighbouring properties;
- 5.6** *Compost* that has a *Negative Impact* on neighbouring properties.

6. GRASS AND VEGETATION

Every *Owner* or *Occupant* shall ensure that *Vegetation* on all *Property* is maintained as follows:

- 6.1** Is free from unsightly and unreasonable overgrowth;
- 6.2** Is free from trees, shrubs and the branches, limbs and parts thereof which create *Negative Impact* due to decay, disease, or being damaged;
- 6.3** In areas where the ground cover is grass, the grass is cut to a height of 20 centimetres or less;
- 6.4** *Vegetation* other than trees or shrubs in *Naturalized Areas*, on a *Property* with a residential use abutting another residential use, shall be maintained at a height of 20 centimetres or less along a minimum one-metre-wide strip along and immediately adjacent to all *Lot* lines;

- 6.5** *Vegetation* other than trees or shrubs in *Naturalized Areas*, on a *Property* without a residential use, shall be maintained at a height of 20 centimetres or less along a minimum ten-metre-wide strip immediately adjacent to any *Lot* line that adjoins a highway or occupied *Property*.

7. STORAGE OF BOATS, RECREATIONAL VEHICLES, TRAILERS OR SIMILAR VEHICLES

Every *Owner* or *Occupant* shall ensure that:

- 7.1** Boats, recreational vehicles, trailers or similar vehicles should not be stored on any portion of a front yard of a residential property;
- 7.2** Despite section 7.1, seasonal parking and storage of boats, recreational vehicles, trailers or similar vehicles shall be permitted in the front yard in a residential driveway between May 1st and October 31st;
- 7.3** No *Person* shall park or store or cause to be parked or stored, any operative or inoperative vehicles, motor vehicles, boats, recreational vehicles, trailers or similar vehicles on any land owned or occupied by the Corporation of the Township of Chapple without authorization.

8. INOPERATIVE VEHICLES, BOATS AND MACHINERY

Every *Owner* and *Occupant* shall ensure that the storage, handling and disposal of *Inoperative Vehicles, Boats and Machinery* complies with the following:

- 8.1** Every *Owner* shall keep their land clean and free of *Inoperative Vehicles, Boats and/or Machinery*;
- 8.2** The restriction in section 8.1 shall not apply to *Inoperative Vehicles, Boats and/or Machinery* that is wholly contained within a building;
- 8.3** No *Person* shall leave or store *Inoperative Vehicles, Boats and/or Machinery*, including inoperative recreational vehicles, utility trailers, trailers, mobile homes, or similar vehicle on any portion of a front or exterior side yard of a residential property;
- 8.4** No *Person* shall park or store or cause to be parked or stored, *Inoperative Vehicles, Boats and/or Machinery* on any land owned or occupied by the Corporation of the Township of Chapple without authorization;
- 8.5** In the case of farm machinery or equipment on *Property* where the 'use' of keeping same is permitted in accordance with the [Township of Chapple Zoning By-law](#), all such vehicles or equipment shall be parked or stored in a neat and orderly manner;
- 8.6** This section does not apply to a *Property* if the use is necessary in the operation of a permitted 'use' lawfully situated on the *Property* pursuant to the [Township of Chapple Zoning By-law](#) and/or respective site plan agreements, and their respective screening requirements.

8.7 Section 8 does not prohibit the storage of *Inoperative Vehicles, Boats and/or Machinery* where the storage is reasonably necessary for the conduct of a business or trade lawfully conducted on the property.

9. REFUSE AND RECYCLABLE STORAGE AND DISPOSAL

Every *Owner* and *Occupant* shall ensure that the storage, handling and disposal of *Refuse* and *Recyclables* on all *Property* complies with the following:

- 9.1** Is promptly stored in *Receptacles*;
- 9.2** Is maintained in a manner that will not attract pests or create a health or safety hazard or cause a *Negative Impact* on neighbouring properties;
- 9.3** All empty portable *Receptacles* are to be removed from public view and stored in the side yard or rear yard before 10:00 pm on the day of collection;
- 9.3** No *Person* shall leave or store portable *Receptacles* on any portion of a front yard of a residential property;
- 9.4** No *Person* shall leave or store *Receptacles* on any land owned or occupied by the Corporation of the Township of Chapple without authorization.

10. ENFORCEMENT

Municipal By-Law Enforcement Officers, as appointed by the Township of Chapple, are authorized to enforce the provisions of this By-law.

10.1 A *Municipal By-law Enforcement Officer* may enter upon land and inspect the land or structures at all reasonable times for the purpose of:

- (a)** Carrying out an inspection;
- (b)** To ascertain whether the provisions of this By-law are complied with; or
- (c)** To ascertain whether the conditions of a *Notice to Comply*, issued pursuant to this By-law, have been complied with.

10.2 No *Person* shall hinder or obstruct, or attempt to hinder or obstruct a *Municipal By-law Enforcement Officer* exercising power or authority, or performing a duty as permitted under this By-law.

11. NOTICE TO COMPLY

Where a *Municipal By-law Enforcement Officer* is satisfied that a *Property* that does not comply with the provisions of this By-law, the municipality may issue a *Notice to Comply* upon the *Owner*, requiring the owner to bring the *Property* into compliance with the provisions of this By-law.

11.1 A *Notice to Comply* shall set out:

- (a)** Reasonable particulars of the non-compliance, and identify the *Property*;

- (b) The work done to bring the land into compliance;
- (c) The date by which the work shall be completed to bring the land into compliance;
- (d) Provide notice that if the required work to bring the land into compliance is not completed by the prescribed date, that the *Municipality* may do the work, and expense the cost, plus administration fees, to the owner.

11.2 A *Notice to Comply* issued pursuant to this By-law, may be served:

- (a) Personally, with service being deemed effective on the date given;
- (b) By registered mail, with service being deemed effective on the thirtieth (30th) day after mailing;
- (c) By placing a *Notice to Comply* in a conspicuous place on the *Property*, and a *Municipal By-law Enforcement Officer* may enter the land for this purpose, with service being deemed effective on the thirtieth (30th) day after posting.

12. OFFENCE AND PENALTY – FAILURE TO COMPLY

12.1 No *Person* shall contravene a *Notice to Comply* issued pursuant to this By-law;

12.2 Every *Person* or *Owner* who contravenes any provisions of this By-law, or who fails to comply with a *Notice to Comply*, is guilty of an offence;

12.3 Where an *Owner* to whom a *Notice to Comply* has been issued pursuant to this By-law fails to comply, the *Municipality*, pursuant to [Section 446 of Municipal Act, 2001, S.O. 2001, c.25](#), has the authority in addition to any other remedies it may have, to enter upon land at any reasonable time to perform the work required to bring the land into compliance, at the expense of the *Owner*:

- (a) The cost of bringing the land into compliance, plus administration fees, may be added to the tax roll and collected by the municipality in the same manner as property taxes;
- (b) In order to bring the land into compliance, the *Municipal By-law Enforcement Officer* may utilize a third-party contractor;
- (c) The municipality shall not be liable to compensate the *Owner*, *Occupant*, or any other *Person* having interest in the property by reason of anything done by or on behalf of the *Municipality* under the provisions of this section;
- (d) Where any material things are removed in accordance with this section, the materials or things may be immediately disposed of by the *Municipality*.

13. SERVICE FEES

The municipal fees for administration and enforcement of this By-law shall be in accordance with the Township of Chapple's User Fees By-Law (1769), and any revisions thereto.

14. SEVERABILITY

If any article or provision of this By-law is for any reason held to be invalid, the remaining articles and/or provisions shall remain in effect until repealed.

15. FORCE AND EFFECT

THAT this By-law shall come into force on the date of its final passing.

BY-LAW READ AND FINALLY PASSED this 18th day of October, 2022.

The Corporation of the Township of Chapple

Per _____
Rilla Race, Reeve

Per _____
Peggy Johnson, CAO/Clerk-Treasurer

