

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2026-36

Being a By-Law of the Municipality of South Dundas to repeal and replace By-law 2025-79, and to provide for the maintenance of property in a safe and clean condition

WHEREAS Section 5(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the powers of every council are to be exercised by by-law;

AND WHEREAS Section 11(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a lower tier municipality may pass by-laws in the interest of the economic, social and environmental well-being of the municipality, and health, safety and well-being of its residents, and the protection of persons and property;

AND WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may require the owner or occupant of land to clean and clear land, not including building, or to clear refuse or debris from the land, not including building; and prohibit the depositing of refuse or debris without the consent of the owner or occupant of the land.

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become public nuisances;

AND WHEREAS Section 131 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may prohibit and regulate the use of any land for the storage of 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, as amended, provides a municipality 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 the municipality may recover the expense incurred by action or by adding the cost 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 South Dundas enacts as follows:

SHORT TITLE

This by-law may be referred to as the "Clean Yards By-Law".

1.0 DEFINITIONS

- 1.1 **"Boulevard"** shall mean the portion of a highway between the Municipal *Property* line and roadway, which is not used or intended for use for vehicular travel by the general public and includes any landscaped areas that are separated from private *Property* by sidewalks.
- 1.2 **"Council"** shall mean the *Council* of the *Municipality* of South Dundas.
- 1.3 **"Derelict Vehicle"** shall mean a plated or unplated *Vehicle* that is inoperative, unused, discarded, in disrepair, or which has deteriorated or removed parts which prevent its proper functioning, including but not limited to tires, glass,

windshields or windows. Notwithstanding the foregoing, an unplated vehicle is deemed to be a *Derelict Vehicle*.

- 1.4 **"Infestation"** shall mean the overrunning of a *Yard* by a large number of nesting rodents.
- 1.5 **"Municipality"** shall mean the Corporation of the *Municipality* of South Dundas.
- 1.6 **"Owner"** shall mean the registered owner of the *Property*, a tenant or an occupant or a *Person* for the time being managing or receiving the rent from the *Property*, whether on their own account or on account of an agent or trustee of any *Person*, or any one of the aforesaid.
- 1.7 **"Officer"** shall mean a Municipal Law Enforcement *Officer* appointed by the *Council* of the *Municipality* of South Dundas, an agent and /or their designate assigned the responsibility for enforcing and administering this by-law.
- 1.8 **"Person"** shall mean 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.
- 1.9 **"Property"** shall mean building or *Structure*, or part of building or *Structure*, and includes the lands and premises appurtenant thereto and all mobile *Structures*, mobile buildings, mobile homes, outbuildings, fences, retaining walls, landscaping, walkways and erections thereon and includes vacant lands.
- 1.10 **"Refuse or Debris"** shall mean any waste material of any kind, article, thing or matter that has been cast aside or discarded or abandoned, whether of any value or not, or that has been used up in whole or in part, or expended, or worn out in whole or in part. Without restricting the generality of the foregoing, *Refuse or Debris* may include:
 - a) garbage, rubbish, junk, litter, household waste or animal feces;
 - b) accumulations or piles of grass clippings, tree and garden cuttings, brush and leaves which are not part of a horticultural or composting process;
 - c) unusable containers such as crockery, dishes, glassware, bottles, plastic containers, totes and cans;
 - d) discarded paper, paper products, cardboard, clothing and bedding;
 - e) weighty or bulky materials such as furnace parts, pipes, water or fuel tanks, stoves, refrigerators and other such appliances, and any parts thereof, whether operable or inoperable, furniture or fixtures;
 - f) *Sewage* as defined in this by-law;
 - g) any unused, abandoned, dismantled or *Derelict Vehicle*;
 - h) any wrecked, dismantled, discarded *Vehicle* or automotive parts or accessories, mechanical parts, unmounted or mounted tires, accessories or adjuncts to any *Vehicle* or mechanical equipment;
 - i) any all-terrain *Vehicle*, motor home, motorized snow *Vehicle*, motorized recreation *Vehicle* or camper, traction engine, farm or lawn tractor, snow blower, road-building machine or a *Vehicle* drawn, propelled or driven by any kind of power, including horse power or manpower, boat, watercraft

or trailer or part thereof, which is in a wrecked, discarded, dismantled, inoperative, abandoned or derelict condition;

- j) broken concrete or asphalt pavement, patio or sidewalk slabs, unusable building materials, discarded bricks, stones, or concrete blocks;
- k) discarded, unused or waste materials resulting from or as part of construction, alteration, *Repair* or demolition of any building or *Structure*, or old or decayed lumber;
- l) rubbish, junk, debris, objects or condition that may create a health, fire, or accident hazard;
- m) firewood or other materials intended for use for heating purposes not neatly stacked;

1.11 “Repair” shall mean the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating or mending as may be required so that the *Property* shall conform to the standards as established in this by-law.

1.12 “Sewage” shall mean liquid waste containing human, animal, vegetable, or mineral matter, oils, chemicals, fuels, or other liquid remains.

1.13 “Structure” shall mean any building or accessory building on any *Property*, or any part thereof, not actually used as a dwelling house.

1.14 “Urban Settlement Areas” shall mean the villages of Morrisburg, Iroquois, and Williamsburg.

1.15 “Vehicle” shall mean an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction *Vehicle*, bulldozer, backhoe, excavator, grader, asphalter, earth mover, compactor, crane, lift, skid steer, generator, welder, street car or other *Vehicle* running only on rails, motorized snow *Vehicle*, off road *Vehicle*, trailer, boat, bicycle, or any *Vehicle* drawn, propelled or driven by any kind of power, including but not limited to mechanical power, muscular power or wind power.

1.16 “Yard” shall mean land other than publicly owned land, around and appurtenant to the whole or any part of the *Property* and used or capable of being used, in connection with the *Property*, including but not limited to an exterior porch or similar erection.

2.0 SCOPE AND APPLICATION

2.1 This By-law shall apply to all land within the *Municipality* of South Dundas.

2.2 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.

3.0 REFUSE

3.1 Every *Owner* of a *Property* shall:

- a) maintain the *Yard* clean and free from all *Refuse* or *Debris*;

- b) maintain the adjacent *Boulevard* in *Urban Settlement Areas* clean and free from all *Refuse or Debris*.
- 3.2 No *Person* shall throw, place, deposit, or permit any *Person* to throw, place or deposit, any *Refuse or Debris* on any *Property* within the *Municipality*, without the consent of the *Owner*.
- 3.3 Every *Owner* of a *Property* shall ensure that all waste which accumulates on their *Property* is:
 - a) When not placed out for collection in accordance with applicable Municipal By-laws, stored in containers:
 - i) made of rigid, watertight construction;
 - ii) provided with a tight-fitting cover;
 - iii) maintained in good condition without holes or spillage; and
 - iv) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odours or refuse; and
 - v) not located in a front *Yard* as defined in the *Municipality's* Zoning By-Law, and is against a building, *Structure*, fence or retaining wall and arranged in an orderly manner.
 - b) not allowed to accumulate for longer than 14 days.
- 3.4 No *Owner* of a *Property* shall use any *Yard* or *Structure* for storing used or *Derelict Vehicles* or *Vehicle* parts for the purpose of wrecking them or salvaging *Vehicle* parts thereof for sale or other disposal, including the purposes of *Repairing* other *Vehicles*.

4.0 VEGETATION

- 4.1 Every *Owner* of a *Property* shall:
 - a) ensure that grass, weeds, and vegetation in the *Yard* are maintained cut and trimmed and kept from becoming unreasonably overgrown;
 - b) ensure that grass, weeds, and vegetation on the adjacent *Boulevard* located in *Urban Settlement Areas* are maintained cut and trimmed and kept from becoming unreasonably overgrown.
- 4.2 Every *Owner* of a *Property* shall keep hedges and trees adjacent to a public sidewalk, walkway or roadway cut and trimmed so as to allow safe, unhindered passage by pedestrians or *Vehicles*.

5.0 COMPOSTING

- 5.1 No *Owner* shall establish one or more compost piles or containers except in accordance with the following:
 - a) the compost pile or container is for the sole use of the *Owner* or occupant of the *Property* on which the compost pile is located;
 - b) that only acceptable compostable material as outlined by the Ontario Ministry of the Environment and local health authorities are placed within the compost pile;

- c) the compost pile or container is no larger than 1 square metre (10.5 square feet) in area and 1.2 metres (4 feet) in height;
- d) the compost pile or container is not located in any front *Yard* as defined in the *Municipality's Zoning By-Law* and not located closer than 1 metre (3.2 feet) from any side or rear *Property* line;
- e) the compost pile is enclosed on all sides by concrete block or lumber or a similar material or within a commercial plastic container designed for composting;
- f) the compost material is kept covered with *Yard* waste, soil or humus at all times;
- g) the compost pile or container is maintained so as to not attract vermin or animals or create a nuisance by way of offensive odours.

6.0 UNSAFE OR HAZARDOUS CONDITIONS

- 6.1 Every *Owner* of a *Property* shall ensure that any well, cistern, cesspool, privy, pit or excavation is permanently sealed or secured by a fence, cover or netting, unless it is in active use, in which it shall be secured by fencing until the use has ceased, whereupon they shall be filled, sealed, or secured as required above.
- 6.2 Every *Owner* of a *Property* shall keep their *Property* clear of any objects or conditions that create or might create a health, fire or accident hazard.
- 6.3 Every *Owner* of a *Property* shall:
 - a) maintain the *Yard* clean and free from *infestation* and;
 - b) seal, remove, and dispose of remnants of an infestation from a *Yard* including nests, feces, and carcasses.

7.0 ENFORCEMENT

- 7.1 *Officers* are hereby authorized to enforce the provisions of this By-law.
- 7.2 No *Person* shall hinder or obstruct, or attempt to hinder or obstruct, any *Officer* or *Person* who is exercising a power or performing a duty under this By-law.
- 7.3 *Officers* and *Persons* under their direction may at any reasonable time enter onto any lands in accordance with the conditions set out in Sections 435 and 437 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, to determine if the provisions of this By-law are being complied with or may enter onto any lands to carry out any remedial actions required to bring the *Property* into conformity with the By-law.
- 7.4 *Officers* are authorized for the purposes of inspection to determine compliance with the By-law and in accordance with Section 436 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, to:
 - a) require the production for inspection of documents or things 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.

8.0 ORDERS INCLUDING DELIVERY

- 8.1 If an *Officer* is satisfied that a contravention of this By-law has occurred, he or she may make an Order requiring the *Person* who contravened the By-law or who caused or permitted the contravention or the *Owner* of the *Property* on which the contravention occurred to do work to correct the contravention
- 8.2 An Order shall set out:
 - a) reasonable particulars of the contravention adequate to identify the contravention and the location of *Property* on which the contravention occurred;
 - b) the work to be completed;
 - c) the date or dates by which the work must be completed; and
 - d) notice that if the Order is not complied with, then the work may be completed by the *Municipality* at the expense of the *Owner*;
 - e) notice that the cost of work plus administration fees may be recovered by adding the amount to the tax roll for the *Property*.
- 8.3 Delivery of an Order to discontinue a contravening activity or an Order to do work may be given personally, email or by registered mail to the last known address of:
 - a) the *Owner*; and
 - b) such other *Persons* affected by the Order as an *Officer* determines.
- 8.4 An Order served by registered mail shall be deemed to have been served five (5) days after the date that the Order was mailed.
- 8.5 An Order served by email shall be deemed to have been served two (2) days after the Order has been sent via email to the last known email address of the *Owner* or *Person*.
- 8.6 In addition to delivery in accordance with Section 7.3, an Order to discontinue contravening activity or an Order to do work may be delivered by an *Officer* placing a placard containing the Order in a conspicuous place on the *Property* where the contravention occurred.
- 8.7 Where a time frame is set out in an Order for carrying out any action, an *Officer* may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the *Officer*.

9.0 MUNICIPALITY CARRYING OUT WORK

- 9.1 Where the *Owner* fails to comply with an Order issued under this By-law within the time specified for compliance, the *Officer* with such assistance by others as may be required, in addition to all other remedies:

- a) shall have the right to enter in and upon the lands and to restore the lands and carry out remedial action specified in the Order at the *Owner's* expense; and
- b) shall not be liable to compensate such *Owner* or 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; and
- c) where any materials or things are removed in accordance with this Section, the materials or things may be disposed of immediately in the sole and absolute discretion of the *Officer*, which decision shall be final; and
- d) where a *Vehicle* has been removed, impounded, restrained or immobilized according to Section 170(15) of the Highway Traffic Act, RSO 1990, as amended, in violation of this by-law, all costs associated with the removal, impoundment, restraining or immobilization will be the responsibility of the registered *Owner* of the *Vehicle*.

9.2 Where the *Municipality*, its *Officer* or authorized *Persons* have performed the work required to bring the *Property* into compliance with the By-law, all expenses incurred by the *Municipality* in doing the work as well as any related fees in the *Municipality's* Fees and Charges By-law, as amended, shall be deemed to be a debt to the *Municipality* and may be collected by action or the costs may be added to the tax roll for the *Property* and collected in the same manner as taxes.

10.0 EXEMPTIONS

10.1 Despite provisions herein, this by-law shall not be deemed to:

- a) interfere with the building operations or disposal of *Refuse or Debris* on any lands which have been designated for that purpose by the *Municipality* where required permits have been issued;
- b) prevent a farm operation or practice from meeting the definition of "agricultural operation" and "normal farm practice" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1 as amended, from carrying out a normal farm practice as provided for and defined under that Act;

11.0 OFFENSE AND PENALTY

11.1 No *Person* or *Owner* shall fail to comply with any conditions or terms of any Order issued under this By-law.

11.2 Every *Person* or *Owner* who contravenes any provisions of this By-law, or who fails to comply with an Order, is guilty of an offence.

11.3 Every *Person* or *Owner* who contravenes any provision of this By-law, is guilty of an offence, and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

11.4 Where a *Person* or *Owner* is convicted of an offence under this By-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may,

in addition to any other penalty imposed on the *Person* or *Owner* convicted, make an Order prohibiting the continuation or repetition of the offence by the *Person* or *Owner* convicted.

11.5 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

11.6 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.

12.0 SEVERABILITY

12.1 Where a court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an Order to the contrary.

13.0 REPEAL AND ENACTMENT

13.1 On the date this By-law comes into effect, By-law 2001-34 and 2025-79 as amended, shall be hereby repealed.

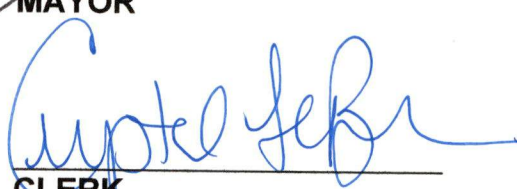
13.2 After the date of the passing of this By-law, *Municipality* of South Dundas By-law 2001-34 and 2025-79 as amended, shall apply only to those properties on which an Order has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order including any demolition, clearance or *Repair* carried out by the *Municipality* shall have been concluded.

13.3 In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a predecessor By-law, the process may be continued and carried out.

13.4 This By-law shall come into force and take effect upon the date of passing by *Council*.

READ and passed in open Council, signed, and sealed this 29th day of April 2026.


MAYOR


CLERK