

The Corporation of The Township of Stone Mills By-law No. 2023-1201

Being a By-law to Provide For The Maintenance of Lands in a Safe Condition.

WHEREAS Section 127 of the Municipal Act, 2007 provides that a local municipality may require property owners to maintain their properties in a clean, clear and safe condition; and

AND WHEREAS Section 436 of the Municipal Act, 2001 provides that the municipality may require the production of documents and things relevant to an inspection and conduct other examinations, tests, and investigations to determine if a by-law has been contravened; and

AND WHEREAS Section 438 of the Municipal Act, 2001 provides that a municipality has the power to pass by-laws providing that the municipality may, in the circumstances set out in the by-law, undertake inspections pursuant to court orders;

AND WHEREAS Section 398 of the Municipal Act, 2001 provides that a local municipality may impose fees and charges for work done by the municipality to implement a by-law, and once charged, add unpaid fees or charges to the tax roll and collect them in the same manner as municipal taxes;

AND WHEREAS Section 15.4.1 of the Building Code Act, a municipality may establish a property standards by-law and a municipality may require a person 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 that Act; and

AND WHEREAS Council has previously adopted By-law 1998-41 being a by-law to authorize a safe property by-law.

NOW THEREFORE the Council of The Corporation of the Township of Stone Mills enacts as follows:

1.0 Definitions:

For the purposes of this by-law the following words shall have the following meanings:

- 1.1 Adjacent Lands, shall include all lands that are within 60 meters of any lot line of lands that are the subject of a contravention of this by-law.
- 1.2 Motor Vehicle, includes an automobile, motorcycle, motor assisted bicycle a street car or other motor vehicles running only upon rails, a motorized snow vehicle, recreational vehicles, traction engine, road-building equipment and any other vehicle propelled or driven otherwise than by muscular power.
- 1.3 Officer, shall mean any person(s) that has been appointed or directed by the Council of the Township of Stone Mills to enforce the provisions of this By-law.
- 1.4 Owner, shall mean the person(s) that appears on the tax roll as the owner of a parcel of land. Without limiting the generality of the foregoing, an Owner may also include the person who at any time manages or receives the rent of the land or premises whether on his 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.

- 1.5 Township, shall mean the Corporation of the Township of Stone Mills.
- 1.6 Unlicensed, refers to any Motor Vehicle for which a license is normally required to operate that vehicle on any road and for which there are is no valid and current license.

2.0 General:

2.1 This By-law applies to all property within the territorial jurisdiction of the Township.

2.2 Every Owner shall keep their property, building, yard or grounds, whether vacant or occupied, in a neat, tidy and safe condition, and free from:

- a. Rubbish, garbage, waste and other debris;
- b. Grass greater than twenty centimeters in height, brush and clippings, noxious weeds, or any other condition that may promote or be susceptible to fire or infestation by weeds, rodents or other noxious conditions;
- c. Timber, lumber, building materials, granular or soil materials or any other type of product or material stored in a manner visible to the public for a period of more than thirty days;
- d. Scrap and junk material including without limiting its generality, wrecked, dismantled, unused, unlicensed or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof, except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions;
- e. Any pit, precipice, excavation or deep waters that are unfenced or unprotected against unauthorized entry;
- f. Buildings, fences, scaffolding, retaining walls or any other erection that, is in a dilapidated state; and
- g. Any combustible, flammable, volatile, caustic or explosive substance unless stored under conditions that are safe, in compliance with any applicable laws and minimize the risk of fire or accident.

2.3 Paragraph 2.2(c) shall not apply to:

- a. wood that has been cut and stored for the use in a stove or other heating appliance incidental to the heating of a building or for cooking purposes; and
- b. Building materials and/or equipment incidental to the construction of a building or structure or such materials or equipment incidental to the landscaping, including the grading or the placement of fill, until such time as the construction or landscaping is completed.

2.4 Paragraph 2.2(d) shall not apply to:

- a. Equipment that may be stored on lands that are associated with or incidental to an agricultural operation, whether operational or retained, as parts for other equipment;
- b. Lands that have been zoned to permit a salvage yard;

- c. Lands that have been recognized by the Township as having a salvage yard as a legal non-conforming use;
 - d. The storage of Motor Vehicle on lands for the purpose of repairing the Motor Vehicle for the owner's own use, provided that the storage and repair of the Motor Vehicle does not constitute a commercial use of the land and that such repair is completed within 30 days from the date on which the Motor Vehicle is first placed for storage on the lands.
- 2.5 Notwithstanding anything to the contrary in this By-law, any material may be stored within a building provided that:
- a. the storage of such items does not constitute a risk to persons or property on the lands in which the items are store or on adjacent Lands; and
 - b. that the items stored do not create an odour that could be considered offensive to persons on adjacent Lands.
- 2.6 No officer or director of a corporation shall knowingly concur in the contravention of this By-law by the corporation of which they are an officer or director.
- 2.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or any person acting under an Officer's direction in the enforcement or attempted enforcement of this By-law.
- 2.8 No person shall neglect or refuse to produce any information or thing or to provide any information required by an Officer in accordance with this By-law.

3.0 Enforcement:

- 3.1 An 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, a direction or order issued under this By-law, a condition of a license issued by the Municipality under any By-law or a court order.
- 3.2 An Officer may, as part of his/her inspection:
- a. Require the Owner or any person the 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.
- 3.3 An Officer who removes any document or thing in accordance with this By-law shall provide the Owner with a receipt for the document or thing and shall return the document or thing to the Owner once it is no longer required for purposes of enforcement by the Township.
- 3.4 The Township may request an order from a Provincial Judge or Justice of the Peace authorizing an Officer to enter on land for the purpose of carrying out an inspection for a purpose described in subsection 3.1 and to exercise

powers described in subsection 3.2 as specified 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.

4.0 Order To Remedy:

4.1 An Officer, upon finding a contravention of this By-law, may issue an order to the Owner:

- a. Requiring the Owner to cease the activity that contravenes the By-law; and
- b. Requiring the Owner to bring the land into compliance with this By-law.

4.2 An order issued pursuant to subsection 4.1 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.

4.3 An order may be served:

- a. Upon the Owner personally, which shall establish the effective date of service; or
- b. By registered mail sent to the last known address of the Owner in accordance with the information contained in the latest tax roll maintained by the Township, which shall establish an effective date of service as the date the order is delivered for registered mailing at the Post Office; or
- c. By placing the order on the property in a prominent place, which date shall establish the effective date of service as the date of posting the order on the property.

4.4 A Upon the Owner personally, which shall establish the effective date of service; or

- a. The legal and civic address (if available) of the lands subject to the contravention;
- b. The nature and location of the contravention on the lands specified;
- c. A description of the work to remedy the contravention;
- d. A time period from the date of delivery of the order for the contravention to be remedied, if applicable;
- e. Where the order requires that the Owner take action to remedy the contravention, the following statement:

"The owner shall conduct the work identified in this order within the time period specified, failing which the Township of Stone Mills or the officers thereof, may enter upon the property to which this order applies and without further notice to the owner, perform the work specified in this order. All costs incurred by the Township of Stone Mills to conduct the work identified in this order shall be the responsibility of the owner and the owner shall be invoiced for this work accordingly. In the event of the failure of the owner to submit payment for an invoice arising from this order, all costs as provided on the invoice shall be added to the property tax roll and shall be collected as taxes against the property to which the order applies."

- 4.5 The Township may, where the Owner fails to remedy the contravention in the time specified in the order:
- a. Direct its employees or agents to enter onto the lands subject to the order at any reasonable time without further notice to the Owner;
 - b. Conduct all work necessary to ensure the parcel of land is in compliance with this By-law;
 - c. Remove all items from the lands that are not in compliance with this By-law and which have been identified in the order to remedy;
 - d. At the discretion of the Township, store or cause to be stored, any item(s), in accordance with the *Repair and Storage Liens Act*, R.S.O. 1990; and
 - e. Prepare a list of all items stored and forward this list to the Owner for recovery of these items.
- 4.6 Items that have been removed from a parcel of land and placed in storage by the Township pursuant to subsection 4.5 and that have not been recovered by the Owner within the time period specified in accordance with the *Repair and Storage Liens Act*, R.S.O. 1990, shall be disposed of in accordance with that Act.
- 4.7 Notwithstanding anything to the contrary in this By-law, if in the opinion of an Officer, the nature of the contravention that exists on a parcel of land is such there is an imminent risk to persons or property, the Officer may cause the contravention to be removed or remedied as soon as possible.
- 4.8 Where the Township acts pursuant to subsection 4.7, it shall as soon as possible thereafter provide the owner with a statement of work completed to remove or eliminate the contravention.

5.0 Offences and Penalties

- 5.1 It is an offence to contravene any provision of this By-law or any order made under this By-law.
- 5.2 Each day or part of a day that a person contravenes any provision of this by-law constitutes a separate offence.
- 5.3 Every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice in accordance with the By-Law to Impose Administrative Monetary Penalties for Violations Of Municipal By-Laws 2023-1198, be liable to pay to the Township an Administrative Monetary Penalty in accordance with By-Law 2023-1198.
- 5.4 Any corporation that contravenes this By-law is guilty of an offence and, upon conviction, is liable to a minimum fine of five hundred dollars (\$500), to a maximum of ten thousand dollars (\$10,000).
- 5.5 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.

- 5.6 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.
- 5.7 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.
- 5.8 All fees including any interest thereon and due to the Municipality 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.
- 5.9 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 during the exercise of the powers contained within this By-law.

6.0 Obstruction

- 6.1. No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this by-law. Without limiting the generality of the foregoing, the following are deemed to constitute obstruction pursuant to this By-law:
- (a) any person who fails to provide proof of identification satisfactory to the Provincial Offences Officer when requested to do so; and
 - (b) any person who fails to provide information to the Provincial Offences Officer from the Ministry of Transportation regarding the licensing status of any vehicle when requested to do so, regardless of the ownership of the vehicle.

7.0 Appeal

- 7.1 An owner may file an appeal against the order as issued by the Screening and / or Hearing Officer with the Clerk of the Township of Stone Mills in accordance with the terms of the By-law to Impose Administrative Monetary Penalties for Violations of Municipal By-laws 2023-1198.
- 7.2 As it relates to Section 7.1 above, should the appellant fail to attend the scheduled appeal hearing respecting the order issued by the Screening and / or Hearing Officer a fee will be collected in accordance with the terms of the By-law to Impose Administrative Monetary Penalties for Violations of Municipal By-laws 2023-1198.

8.0 Duties

Every owner of property and every officer or director of a corporation that owns property within the Township has a duty to take all reasonable care to prevent occupants and users of their property from breaching the provisions of this By-law.

- (a) Every person who has a duty under this section and fails to carry out that duty is guilty of an offence.
- (b) A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.

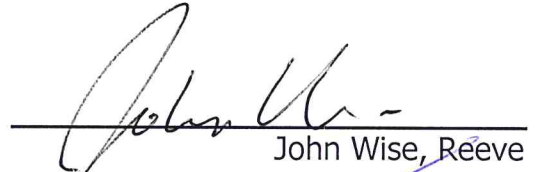
9.0 Repeal and Adoption


- 9.1 By-law 2008-465 is repealed in its entirety.

9.2 This By-law shall be deemed to come into effect on the 17th day of July, 2023.

This By-law having been read a first, second and third time is hereby adopted this 17th day of July, 2023.

**THE CORPORATION OF THE
TOWNSHIP OF STONE MILLS**


John Wise, Reeve


Jason Sands, Acting CAO/Clerk