

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER **XX-2025**

**A BY-LAW TO REQUIRE THE OWNERS OF YARDS WITHIN THE TOWN OF DEEP RIVER TO CLEAN AND CLEAR THEM**

**WHEREAS** Section 127 of the Municipal Act, 2001, authorizes the councils of municipalities to pass By-Laws to require the cleaning or clearing of the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

**AND WHEREAS** Section 10 of the Municipal Act, 2001, authorizes the councils of municipalities to pass By-Laws for the health, safety and well-being of persons;

**AND WHEREAS** Section 391 of the Municipal Act, 2001, authorizes the councils of municipalities to impose fees or charges for services rendered;

**AND WHEREAS** Council deems it advisable to regulate the cleaning and clearing of properties within the Town of Deep River;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Deep River enacts as follows:

**1 DEFINITIONS**

In this by-law:

**“Building”** includes:

- a) a structure occupying an area greater than ~~fifteen~~ **(1540)** square metres (equivalent to ~~160408~~ square feet) consisting of a wall, roof and floor or any of them or a structural system serving that function, including all plumbing, works, fixtures and service systems appurtenant to it;
- b) a structure occupying an area of ~~fifteen~~ **(1540)** square metres (equivalent to ~~160408~~ square feet) or less, that contains plumbing, including the plumbing appurtenant to it; and
- c) any structure designated in the Ontario Building Code as a “building”.

**“By-Law”** means this By-Law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-Law are considered integral parts of this By-law.

**“Council”** or **“Town Council”** means the municipal council for the Town of Deep River.

**“Composting Container”** means an approved container capable of enclosing composting materials in a neat and odour free condition.

**“Debris”** includes garbage of any kind, and without limiting the generality of the foregoing, includes the following:

- a) material of any kind which has been discarded by its rightful owner;
- b) a composting heap ~~or composting heaps~~, which is ~~are~~ not properly contained in a composting container or composting containers for efficient composting purposes, including tree or brush cuttings;
- c) litter;
- d) waste, which includes pet excrement;
- e) items which cannot be used for their rightful or originally intended purpose due to their placement or situation;
- f) ~~an unlicensed item or~~ unlicensed items;
- g) inoperative ~~vehicle or inoperative~~ vehicles or mechanical equipment;
- h) automotive and mechanical parts;
- i) appliances, furniture, furnaces, heaters or fuel tanks;
- ~~g) i) construction or demolition debris, earth or rock fill;~~
- ~~h) k) a shipping container or~~ shipping containers;
- ~~i) l) recovered or recycled materials including firewood, which are haphazardly strewn about and not stored or piled neatly;~~
- ~~j) m) weeds and/or grass, which exceeds ~~200~~203 mm (8”) in height;~~
- ~~k) n) dead and/or decaying trees, that due to their location or situation on private property may be a health or safety hazard to public property or the users of public property;~~

Note: Section 1.5 (~~k~~m) shall not apply to lands zoned Open Space, or Environmental Protection.

**“Dwelling”** means a building or structure, any part of which is or is intended to be used for the purpose of human habitation and includes a building that would be used or intended to be used for such purposes.

**“Lot”** means a separately transferable parcel of land in any zone as defined within the Town of Deep River Zoning By-law save and except lands zoned Open Space or Environmental Protection.

**“Naturalization”** means a recognized practice of gardening that encourages the deliberate introduction and use of native and non-native species through generally accepted landscape practices to produce ground cover other than turfgrass. Naturalization does not mean neglect or disregard to the maintenance of property.

**“Naturalized Area”** means lands that have been deliberately implemented to produce ground cover other than mown grass and includes two or more species of wildflowers, shrubs, perennials, grasses, or combinations of them, whether native

or non-native, consistent with a managed and natural landscape; lands where the owner or occupant has re-established a reproducing population of native species, through a combination of natural regeneration and deliberate plantings; and may include a water feature that is deliberately created for the landscape and managed appropriately.

**“Notice”** means the written notice referenced in Section 5 of this By-Law.

**“Occupier”** means any occupant of the property in question with authority to act on behalf of the registered owner/occupier; any person authorized by the registered owner to act on his or her behalf; any lessee or occupant of the property who, under the terms of a lease or occupancy agreement, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; and any mortgagee or receiver and manager or trustee in bankruptcy with possession and control of the property.

**“Officer”** means a person within the administration of the Town who has been appointed as an officer for the purposes of the enforcement of any or all of the Town’s By-Laws.

**“Owner”** means the registered owner of the property in question identified in the Land Registry Office of the Ministry of Consumer and Commercial Relations.

**“Police Officer”** means a chief of police or any other police officer in a police service that is appointed for enforcing or carrying out the provisions of this by-law;

**“Public Property”** means any property owned by the federal government, provincial government or the Town of Deep River.

**“Standing Water”** means standing or stagnant water in a vessel, pool, container or other item capable of holding water where evaporation is the only means of evacuating the water, but does not include standing or stagnant water in a ditch, culvert, drainage work, agricultural field or other depression in the ground.

**“Shipping Container”** means a container with strength suitable to withstand shipment, storage, and handling and is designed to be moved from one mode of transport to another without unloading and reloading the goods inside.

**“Town”, “The Town of Deep River”** means The Corporation of the Town of Deep River and includes its entire geographic area.

**“Turfgrass”** means any of the various grass species typically grown for lawns; of a type that forms a dense, even turf when mown (including, but not limited to, Kentucky Bluegrass, Canadian Bluegrass, Perennial Ryegrass, and Fine Fescue).

**“Vacant Lot”** means a Lot which contains no occupied buildings.

**“Unlicensed Items”** means items which cannot be used for their rightful or originally intended purpose due to lack of license, registration or other requirement,

including but not limited to insurance coverage and mechanical safety certificate. ~~This definition excludes bona fide collectors' items or antiques (for example, classic cars), provided they are in the active process of being restored or preserved and stored neatly.~~

**“Unsafe Debris”** means debris which is situated on private or public property in such a manner as to cause an immediate safety concern to members of the general public.

**“Unsafe Standing Water”** means standing water which is situated on private or public property in such a manner as to cause an immediate safety concern to members of the general public.

**“Yard”** means the land in common ownership with, and around or appurtenant to, a residential or non-residential building, which is used or capable of being used in connection with the property. The definition includes any land which is in common ownership with the lot on which the building is situate, and is actually used in connection with the property.

## ~~2~~ **INTERPRETATION RULES**

~~2.1~~ ~~Wherever this By-Law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-Law with the gender applicable to the circumstances.~~

~~2.2~~ ~~References to items in the plural include the singular, as applicable.~~

~~2.3~~ ~~The word “include” is not to be read as limiting the phrases or descriptions that precede it.~~

## ~~31~~ **STATUTES**

~~3.11.1~~ ~~References to laws in this By-Law are meant to refer to the Statutes, as amended from time to time, that are applicable within the Province of Ontario~~

## ~~41~~ **SEVERABILITY**

~~4.11.1~~ ~~If a court or tribunal of competent jurisdiction declares any portion of this By-Law to be illegal or unenforceable, that portion of this By-Law will be considered to be severed from the balance of the By-Law, which will continue to operate in full force and effect.~~

## 2 **GENERAL DUTIES AND OBLIGATIONS**

2.1 No person shall throw, place or deposit refuse or debris on any lands.

2.2 Owners and/or occupiers shall ensure that yards are kept clean and clear from

- a) Refuse and debris;
- b) Refrigerators, freezers or similar appliances, whether operable or inoperable;
- c) Objects or conditions that may create a health or accident hazard;
- d) Dilapidated, collapsed, unsafe or unsecured structures; or partially constructed structures which are not currently under construction; or
- e) Wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers, or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property and then only in an arrangement such as to prevent an unsafe or unsightly condition and not in the front or exterior side yards.;

2.3 Where on any lands there is refuse or debris, the owner and/or occupier shall remove such items from the land so that the land is left in a clean condition.

2.4 Nothing in subsection 2.2e) prevents the occupant of a residential property from repairing a vehicle which is the occupant's own vehicle provided that there is only one (1) vehicle being repaired and the vehicle is being actively repaired.

2.5 No vehicle shall be parked in the front yard, rear yard, interior side yard or exterior side yard except on a paved or appropriate finished surface.

2.6 No owner and/or occupier of private land shall have, or be permitted to have, or allow to grow on their lot noxious weeds designated under the Weed Control Act, R.R.O 1990, Regulation 1096, and/or any Local Weeds designated by the County of Renfrew.

2.7 Compost heaps or bins shall not be placed in the front yard, side yard, or exterior side yard and shall meet the required setback for an accessory building in accordance with the Zoning by-law.

2.8 No owner and/or occupier of private land where turfgrass is grown shall permit turfgrass or weeds to exceed 200mm in height.

2.9 Naturalized areas not containing turfgrass or noxious weeds shall be exempt from subsection 2.8; exemptions in this section shall not relieve an owner and/or occupier from any other responsibilities or duties described in this or any other by-law.

2.10 No owner and/or occupier of private lands shall allow standing water to accumulate on their lands.

## **53 NOTICE**

5.13.1 Where a Municipal Law Enforcement Officer becomes aware ~~of a situation~~ via complaint or where reasonable grounds exist to indicate, that a property is contravention of this by-law, ~~where the owner and/or occupier of a vacant lot, or a~~

~~yard, has allowed debris or standing water to accumulate on that property, he or she may issue a written notice-Order to that owner and/or occupier to make the lands conform to the requirements of this by-law, and such Order shall specify the time allowed for compliance. Such Order shall be delivered by registered mail, direct delivery by hand, or posted in a weather-resistant fashion in a conspicuous location at the site which is the subject matter of the notice. in accordance with this By-Law.~~

3.2 ~~All~~Any complaints submitted shall be in writing and shall include the date, name of complainant, contact information of the complainant, address of the property believed to be in contravention and the complainant's signature, to be provided for the purpose of evidence in the event that the matter proceeds to court.

3.3 The Municipal Law Enforcement Officer also has the discretion to issue an Informal Notice to the property owner. If the property owner does not comply with the Informal Notice, the Municipal Law Enforcement Officer shall issue a written Order.

## ~~5.2—Contents of Notice~~

~~The notice shall:~~

- ~~a) give the address of the yard or vacant lot (or the legal description of the property) where the debris or standing water has accumulated;~~
- ~~b) define with reasonable particularity and detail the material or standing water on the yard or vacant lot which is considered to be debris;~~
- ~~c) prescribe a time period which is not less than 72 hours and is not more than thirty (30) days, within which the owner and/or occupier is required to remove the debris or standing water from the yard or vacant lot; and~~
- ~~d) prescribe notice regarding the administration fee charges.~~

## ~~5.3—To Whom Notice is Sent:~~

~~The Notice shall be sent to every owner and/or occupier of the vacant lot or yard. The Notice shall be sent to the last known address of the owner and/or occupier registered with the Town of Deep River's Taxation Office.~~

## ~~5.4—Method of Delivery of Notice~~

~~The notice, and any subsequent written notice amending or withdrawing the notice, 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 registered or certified mail;~~
- ~~d) delivery by facsimile transmission;~~
- ~~e) or posted in a weather-resistant fashion in a conspicuous location at the site which is the subject matter of the notice.~~

### 5.5 Deemed Delivery

- ~~a) Where a notice is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.~~
- ~~b) Where a notice is personally delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.~~
- ~~c) Where a notice is delivered by registered or certified mail, it is deemed to have been delivered on the fifth day after the day of mailing.~~
- ~~d) Where a notice is delivered by facsimile, it is considered to have been delivered on the next business day following the date showing on the proof of transmission document.~~
- ~~e) Where a notice is posted on occupied property in accordance with section 5.3(e), it is considered to have been delivered the next business day following the date it is posted.~~
- ~~f) Where a notice is posted on unoccupied property in accordance with section 5.3(e), it is considered to have been delivered five (5) days after the date it is posted.~~

### 5.63.4 Amendment of Notice Time

Where an owner and/or occupier is making reasonable effort to comply with a notice, but requires more time within which to complete the removal of the debris or standing water, the Director responsible for ~~Manager of~~ Municipal ~~by-~~ Law ~~Enforcement~~ or a Municipal Law Enforcement Officer may, in his or her discretion, approve up to two (2) time period extensions pursuant to this section of the By-Law. Each extension shall be for a time period no longer than thirty (30) days. In those circumstances, written notice of the change to the original notice shall be delivered to all persons who received the original notice.

### 5.73.5 Withdrawal of Notice

Where an owner and/or occupier has either complied with the notice within the appropriate time frame, or where a Municipal Law Enforcement Officer is satisfied that the owner and/or occupier has corrected the problem without necessarily strictly complying with the notice, the Municipal Law Enforcement Officer may withdraw the notice by sending written notice of the withdrawal to all persons who received the original **NOTICE Order**.

## **6.4 UNSAFE CONDITIONS**

### **6.4.1 Unsafe Debris**

Where the circumstances of section **5.2**, as applicable, exist, but where any part of the debris in question is unsafe debris, section **4.6.3** applies.

### **6.4.2 Unsafe Standing Water**

Where the circumstances of section **5.2**, as applicable, exist, but where any part of the standing water in question is unsafe standing water, section **4.6.3** applies.

### **6.4.3 Immediate Action**

In circumstances of section **4.6.1** or section **4.6.2**, a Municipal Law Enforcement Officer is specifically authorized to take immediate steps, or to cause immediate steps to be taken, to eliminate the danger associated with the unsafe debris or unsafe standing water and any costs expended shall be the responsibility of the owner or occupier of the subject property

### **6.4.4 Limited Authorization**

The authorization provided by section **4.6.3** of this By-Law is limited only to such steps as are required to remove the unsafe standing water or the unsafe debris as the case may be.

### **6.4.5 Cost Recovery**

Where section **4.6.3** of this By-Law is invoked, all costs associated with the work, including any Administration Fee, shall be added to the tax roll of the property from which the danger was eliminated, and shall be collected in like manner as municipal taxes as well as an administration fee as set out in Schedule "A" to this By-law.

## **75** OFFENSES

~~7.1 No owner and/or occupier of a lot or yard shall allow debris or standing water to accumulate on their property.~~

5.1 Any person who contravenes any provision of this by-law is guilty of an offence.

~~7.2~~5.2 The failure of any owner and/or occupier to comply with a notice within the time frame specified in that notice, subject to sections 35.5 and 35.6 of this By-Law, constitutes an offence.

5.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-Law.

5.4 Any person guilty of an offence is upon conviction liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33 and to any other applicable penalty listed in Schedule A to this by-law.

## **86** ENFORCEMENT

This By-Law may be enforced by every Municipal Law Enforcement Officer or Police Officer.

## **97** PENALTY

Any person who contravenes any provision of this By-Law is guilty of an offence, and upon conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, 1990 c.P33 and to any other applicable penalty.

## **108** COURT ORDER

If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an

order prohibiting the continuation or repetition of the offence by the person convicted.

#### **119 TOWN MAY COMPLETE WORK**

Where an owner and/or occupier fails to comply with a notice within the specified time frame (subject to amendment in accordance with Section 5.53.7 or withdrawal in accordance with section 5.53.8, a Municipal Law Enforcement Officer may, in addition to any enforcement of this By-Law, cause the Town's forces or contracted forces to complete the work required by the notice, without further notice to the owner and/or occupier.

#### **1210 COST RECOVERY**

Where Section 10-9 of this By-Law is invoked, all costs associated with the work shall be added to the tax roll of the property which is the subject matter of the notice and shall be collected in like manner as municipal taxes as well as an administration fee as set out in Schedule "A".

#### **1311 ADMINISTRATION OF BY-LAW**

Unless otherwise indicated in this By-Law, the administration of this By-Law is assigned to the Municipal Law Enforcement Officer, who may delegate the performance of any of the Municipal Law Enforcement functions under this By-Law from time to time as required.

### **12 INTERPRETATION RULES**

12.1 Wherever this By-Law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-Law with the gender applicable to the circumstances.

12.2 References to items in the plural include the singular, and references to items in the singular include the plural, as applicable.

12.3 The word "include" is not to be read as limiting the phrases or descriptions that precede it.

### **13 STATUTES**

13.1 References to laws in this By-Law are meant to refer to the Statutes, as amended from time to time, that are applicable within the Province of Ontario

**14 SEVERABILITY**

14.1 If a court or tribunal of competent jurisdiction declares any portion of this By-Law to be illegal or unenforceable, that portion of this By-Law will be considered to be severed from the balance of the By-Law, which will continue to operate in full force and effect.

**1415 EFFECTIVE DATE**

This By-Law shall come into force on the date it is finally passed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS **xx<sup>th</sup> DAY OF XXXX, 2025.**

\_\_\_\_\_  
Suzanne D'Eon, Mayor

\_\_\_\_\_  
Jackie Mellon, Clerk

# SCHEDULE "A"

## PRESCRIBED ADMINISTRATION FEES

| Occurrence                      | Fee      |
|---------------------------------|----------|
| Initial First Inspection        | No Fee   |
| Initial Final Inspection        | No Fee   |
| Second Offence Inspection       | No Fee   |
| Second Offence Final Inspection | \$100.00 |
| Third Offence Inspection        | No Fee   |
| Third Offence Final Inspection  | \$200.00 |
| Fourth Offence Inspection       | No Fee   |
| Fourth Offence Final Inspection | \$400.00 |
| Fifth Offence Inspection        | No Fee   |
| Fifth Offence Final Inspection  | \$800.00 |

Note: For all subsequent offences to the fifth offence, the Final Inspection Fee shall be multiplied by two times the previous inspection fee levied.

Note: Where change to the ownership or occupation of the property as the case may be, transpires and the owner or occupier at the time of the offence as the case may be, ceases to be an owner or occupier of the subject property as the case may be, the occurrence cycle shall be rest to zero offences.

## PART 1 PROVINCIAL OFFENCES ACT

| ITEM            | COLUMN 1<br>Short Form wording                                  | COLUMN 2<br>Provision creating or<br>defining Offence | COLUMN 3<br>Set Fine |
|-----------------|---|---|----------------------|
| 1.              | Places, deposits, or dumps refuse or debris                     | s. <del>2.15.1</del><br><u>s. 7</u>                   | \$400.00             |
| 2.              | Owner – Allow debris to accumulate on property.                 | s. <del>2.25.2</del><br><u>s. 7</u>                   | \$400.00             |
| 3.              | Owner – Allow standing water to accumulate on property.         | s. <del>2.105.10</del><br><u>s. 7</u>                 | \$400.00             |
| <u>4.</u>       | <u>Fails to comply with provisions of this by-law.</u>          | <u>s. 5.1</u>   | <u>\$400.00</u>      |
| <del>5.4.</del> | Fails to comply with an order, direction, or other requirement. | s. <del>5.28.1</del>                                  | \$400.00             |
| <del>6.5.</del> | Obstructs or attempts to obstruct Officer                       | s. <del>5.38.2</del>                                  | \$400.00             |