

**THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES**

**BY-LAW #23-36**

**BEING A BY-LAW OF THE CORPORATION OF  
THE MUNICIPALITY OF HURON SHORES TO PROVIDE FOR  
MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION**

WHEREAS *The Municipal Act, 2001, c. 25, s. 127*, as amended, provides that a local 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, and to regulate when and how these matters shall be done, and to prohibit the depositing of refuse or debris on land without consent of the owner or occupant of the land, as well as to define "Refuse" for the purpose of this section;

AND WHEREAS Section 128 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, 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 131 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may prohibit and regulate the use of land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or disposition;

AND WHEREAS Section 180 of the *Highway Traffic Act R.S.O. 1990, c. H.8, s. 180* as amended, provides that every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway;

AND WHEREAS Section 425 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that a municipality may create offences for contraventions of by-laws and section 429 provides for the authority to establish fines for such offences;

AND WHEREAS, Section 74, Section 425(1), Section 426 and Section 429 of the *Municipal Act 2001, S.O. 2001, c.25*, as amended authorizes that a municipality may, in a by-law prohibiting or regulating any matter passed under the "waste management" sphere of jurisdiction, provide that a person who contravenes the by-law is guilty of an offence and is liable to a fine; and

AND WHEREAS Section 444 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that where a municipality is satisfied that a contravention of a by-law passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Section 445 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that where a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the

land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to direct that where an owner has defaulted, the municipality may have default remedied at the owner's expense and add the cost to the tax roll;

**NOW THEREFORE** the Council of the Municipality of Huron Shores hereby **ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

In this By-law:

- 1.1 "Boat"** means 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 on land;
- 1.2 "Domestic Waste"** means any debris, rubbish, garbage, article, matter or effluent usually belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following examples:
- 1.2.1** Accumulation or deposit of grass clippings, weeds, brush, tree and garden cuttings;
  - 1.2.2** Litter, food remains, rubbish, and trash, excluding properly kept and maintained compost piles;
  - 1.2.3** Refrigerators, freezers, stoves or any other appliance or furniture;
  - 1.2.4** Furnace, furnace parts, pipes, fittings to pipes, water or fuel tanks;
  - 1.2.5** Inoperative motor vehicles, vehicle parts and accessories, and vehicle tires mounted or unmounted on rims;
  - 1.2.6** Paper, cartons, cardboard, clothing;
  - 1.2.7** New or used material resulting from or once used for the purpose of construction, alteration, repair or demolition of any building or structure;
  - 1.2.8** Cans, glass, plastic containers, dishes or crockery;
  - 1.2.9** Rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
  - 1.2.10** Human or animal waste.
- 1.3 "Highway"** includes a common and public highway, street, avenue, parkway, driveway, bridge, or road allowance, designed or intended for, or used by, the general public for the passage of vehicles or persons, under the jurisdiction of the Municipality

of Huron Shores and including any surface, grassed area, boulevard, ditch, curb, gutter or sidewalk.

- 1.4 "Industrial Waste"** means any debris, rubbish, garbage, article, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or related to any trade, business, calling or occupation, but is not limited to the following examples:
- 1.4.1** Articles, things, matter or effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of, agricultural, animal, vegetable, paper, lumber, or wood products, or mineral, metal, or chemical products;
  - 1.4.2** Inoperative motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims;
  - 1.4.3** Mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
  - 1.4.4** Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing, conduits or cable;
  - 1.4.5** Containers of any size, type or composition;
  - 1.4.6** Material resulting from, or as part of, construction or demolition projects;
  - 1.4.7** Paper, cardboard, packaging or wrapping;
  - 1.4.8** Rubble, inert fill;
  - 1.4.9** Bones, feathers, hides.
- 1.5 "Inoperative boat"** means 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.
- 1.6 "Inoperative motor vehicle"** means a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed metal adjunctions, which prevent it from functioning mechanically in the way for which it was originally designed and includes a vehicle which does not have valid license plates for the current year whether or not it is inoperative.
- 1.7 "Land"** - see **"Property"**.
- 1.8 "Municipality"** means the Corporation of the Municipality of Huron Shores.
- 1.9 "Officer"** means a Municipal Law Enforcement Officer for the Corporation of the Municipality of Huron Shores;

- 1.10 "Motor Vehicle"** – shall include an automobile, commercial motor vehicle, motorcycle, motor assisted bicycle, unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.
- 1.11 "Noxious Weed"** means, as defined in the *Weed Control Act*, R.S.O. 1990, c. W5, as amended, a plant that is deemed to be a noxious weed under subsection 10 (2) or designated as noxious weed under clause 24 (a) of that Act;
- 1.12 "Owner"** shall mean the person who is the registered owner of the property and, for the purposes of this by-law, shall include any owner, occupant, tenant or lessee, or any person having an interest, whether equitable or legal, in the land.
- 1.13 "Person"** shall include the owner as defined in Section 2.5 of this by-law and may also include any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however constituted, joint venture, syndicate or any other legal entity, and includes all successors, assigns or other legal representatives of any such entities.
- 1.14 "Property"** shall mean any parcel of land or registered water lot and, without limiting the generality of the foregoing, shall mean lands and premises appurtenant to a building or structure whether residential or commercial, but shall exclude any building or structure.
- 1.15 "Refuse"** shall mean debris, domestic waste and/or industrial waste as defined in this By-law and materials or effluent that, in the opinion of the Officer:
- 1.15.1 appears to have been cast aside, discarded or abandoned; or
  - 1.15.2 appears to be worthless or useless or of no practical value; or
  - 1.15.3 appears to be used up, in whole or in part, or expended or worn out in whole or in part;
- 1.16 "Stagnant water"** means non-flowing, motionless or stale water that remains in a location.
- 1.17 "Structure"** means anything constructed or erected, the **use** of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a **recreational vehicle, a sign, a swimming pool, a deck**, and an **individual on-site sewage services** (i.e. septic tank).

## **2. GENERAL PROVISIONS**

- 2.1** Every person shall keep their grounds, lands or vacant lot in an orderly, tidy and litter-free manner.
- 2.2** Every person shall keep their lands free and clear of all refuse of any kind, except when screened or contained pursuant to written instructions of the Officer.
- 2.3** No person shall use any land or structure within the Municipality for dumping or disposing or storing or keeping of refuse or waste of any kind.
- 2.4** Subsection 2.2 and 2.3 above do not apply to the following:
  - 2.4.1** land or structures used by the Municipality for the purpose of dumping or disposing of refuse;
  - 2.4.2** land designated by by-Law of the Municipality for the purpose of disposing of refuse.
- 2.5** No person shall throw, place, dump or deposit any waste on a highway within the Municipality of Huron Shores.
- 2.6** No person shall throw, place, dump or deposit waste or litter or debris on private property or the property of the Municipality of Huron Shores without authority from the owner or occupants of such property.
- 2.7** The Owner or occupant of private property used contrary to or on which there is a contravention of subsections 2.5 and 2.6 above, regardless of whether the use or contravention occurred prior to the enactment of this by-law, shall at the person's own expense clean, clear and cease using such land or structure for such prohibited purposes.
- 2.8** Every person shall remove or destroy any Noxious Weeds located on their land.
- 2.9** Every person shall keep their land free and clear of stagnant water by draining it or by implementing a strategy for reducing mosquito breeding that has been approved by an Officer. This section shall not apply to lands designated Environmental Protection, unspecified wetlands and non-sensitive wetlands in the Municipality's Official Plan.
- 2.10** Except as permitted in the Municipality's Zoning By-law, as amended, every person shall keep their land clean and free from the following:
  - 2.10.1** inoperative motor vehicles or motor vehicles to be wrecked or dismantled for their parts for resale or otherwise;
  - 2.10.2** inoperative boats or boats to be wrecked or dismantled for their parts for resale or otherwise; and
  - 2.10.3** wrecked, dismantled, unlicensed or discarded trailers or trailers to be wrecked or dismantled for their parts for resale or otherwise.

**2.11** Section 2.10 does not apply to inoperative motor vehicles or inoperative boats being restored or used for restoration parts as long as inoperative vehicle or inoperative boats are stored in back yard not visible to the public.

### **3. ORDERS**

**3.1** If an Officer is satisfied that a contravention of this 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 or occupier of the land on which the contravention occurred to do work to correct the contravention.

**3.2** The Work Order shall set out:

**3.2.1** reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

**3.2.2** the work to be done and the date by which the work must be done.

**3.3** A Work Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

**3.4** The Officer may, through the Work Order, require the owner to:

**3.4.1** clean, clear or remove from the land or structure any refuse of any kind;

**3.4.2** cease using the land or structure for the dumping or disposing of refuse of any kind;

**3.4.3** cover over, screen, shield or enclose the refuse in the manner prescribed by the Officer;

**3.4.4** drain stagnant water or implement another strategy to reduce mosquito breeding.

**3.5** A Work Order under Section 3.1 may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.

**3.6** Every person shall comply with a Work Order issued pursuant to Section 3.1.

**3.7** If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Discontinue Activity Order, requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

**3.8** The Discontinue Activity Order shall set out:

**3.8.1** reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

**3.8.2** the date by which there must be compliance with the Discontinue Activity Order.

**3.9** A Discontinue Activity Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

**3.10** Every person shall comply with a Discontinuance Activity Order issued pursuant to Section 3.7.

**3.11** In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient of the Order on the property owner.

#### **4. REMEDIAL ACTION**

**4.1** When an Order has been issued to direct or require an owner or person to do a matter or thing, in default of it being done by the person directed or required to do it, the Municipality may cause the matter or thing to be done at the person's expense.

**4.2** The Municipality may cause anything to be done that was provided for in an Order, including causing any of the following to be done:

**4.2.1** clean, clear or remove refuse of any kind;

**4.2.2** cover over, screen, secure, shield or enclose refuse in the manner prescribed by the Officer;

**4.2.3** correct, eliminate or drain stagnant water or implement another strategy to reduce mosquito breeding.

**4.3** Where any of the matters or things are removed in accordance with Section 4.1, the matters or things may be immediately disposed of.

**4.4** The Municipality shall recover the expense in doing a matter or thing referred to in Section 4.1 by action, or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

#### **5. ENTRY AND INSPECTION**

**5.1** An Officer may enter upon land or property at any reasonable time for the purpose of inspection to determine whether the provisions of this By-law or any direction or order made thereunder is being complied with.

**5.2** An owner shall permit an Officer to inspect any land, property or premises for the purpose of determining compliance with this By-law.

**5.3** An Officer may be accompanied by a person under their direction.

**6. OBSTRUCTION**

**6.1** No person shall hinder or obstruct or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

**6.2** Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of their duties.

**7. APPEAL PROCESS**

**7.1** It is hereby established that the Council appointed Appeals Committee may confirm, vary, or reverse an Order as the case may be; or

**7.2** Where a person has been served an Order, said person may appeal said Order to the Appeals Committee by mailing an appeal detailing the specific areas of the Order being appealed to the CAO/Clerk of the Municipality of Huron Shores within fourteen (14) days after service of the original Order.

**7.3** Where no appeal has been received by the CAO/Clerk, the original Order shall be deemed to have been confirmed and no appeal is deemed to be undertaken nor shall be allowed.

**7.4** The appeal shall be in writing and mailed by registered mail, or hand delivered, to the attention of the CAO/Clerk of the Municipality of Huron Shores.

**7.5** Where an appeal is received by the CAO/Clerk of the Municipality of Huron Shores, the CAO/Clerk shall arrange a hearing of the Appeals Committee as soon as possible.

**7.6** The Appeals Committee shall hear the appeal and may confirm, vary or reverse the original Order or may extend the original time frame given for compliance, provided that any modifications to the original Order satisfy the intent of the By-law.

**7.7** The Appeals Committee may call any witness to provide information to aid in their decision regarding the original Order.

**7.8** The Appeals Committee shall make its decision in writing and provide a copy of said decision to the appellant and to the Officer.

**8. PENALTY**

**8.1** In addition to any other remedy available to the Municipality, every person who contravenes a provision of this By-law and



every Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of the By-law, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended. and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.

**8.2** Every person who contravenes a provision of this By-law and every Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$10,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

**8.3** For the purpose of continuous offences, every person who contravenes a provision of this By-law and every Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

**8.3.1** Notwithstanding Section 8.3 and the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offences is not limited to \$100,000.

**8.4** For the purpose of multiple offences, every person who contravenes a provision of this By-law and every Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

**8.4.1** Notwithstanding Section 8.4 and the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

## **9. SEVERABILITY**

**9.1** In the event that any of the provisions of this by-law are deemed ultra vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

## **10. SHORT TITLE**

**10.1** This by-law shall be known as the "Clean Yards By-law".

## **11. EFFECTIVE DATE**

**11.1** The effective date of this By-law shall be the date of passage thereof.

**11.2** That By-law #23-10 be repealed.

Passed in open Council this 14th day of June, 2023.

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MAYOR – Matthew Seabrook

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CLERK – Natasha Roberts

**Municipality of Huron Shores  
Part I Provincial Offences Act**

**By-Law #23-36  
Maintaining Land In a Clean and Clear Condition**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fines
1.	Fail to keep land in tidy and orderly manner.	Sec. 2.1	\$125.00
2.	Fail to keep land clear of refuse.	Sec. 2.2	\$125.00
3.	Use land or structure for the storing or keeping of refuse.	Sec. 2.3	\$125.00
4.	Illegal Dumping – Highway	Sec. 2.5	\$365.00
5.	Illegal Dumping - Private or Municipal Property	Sec. 2.6	\$365.00
6.	Fail to destroy Noxious Weeds.	Sec. 2.8	\$125.00
7.	Fail to keep land free from stagnant water	Sec. 2.9	\$125.00
8.	Fail to keep land free from inoperative motor vehicles	Sec. 2.10.1	\$125.00
9.	Fail to keep land free from inoperative boat	Sec. 2.10.2	\$125.00
10.	Fail to keep land free from unlicensed trailer	Sec. 2.10.3	\$125.00
11.	Fail to comply with a Work Order.	Sec. 3.6	\$125.00
12.	Fail to comply with a Discontinue Activity Order.	Sec. 3.10	\$125.00
13.	Hinder or obstruct an officer exercising a power.	Sec. 6.1	\$365.00

**Note: The penalty provision for the offences indicated above is section 8.1 of By-Law 23-36, a certified copy of which has been filed.**