



**CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY**

**BY-LAW NO. 50-2021**

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Being a by-law respecting litter, yard waste and property maintenance for the Municipality of Morris-Turnberry.

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**WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the Municipal Act, 2001 or any other Act;

**AND WHEREAS** Sections 8, 9 and 11 of the Municipal Act, 2001 permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may pass By-laws regulating highways under its jurisdiction;

**AND WHEREAS** Section 122 of the Municipal Act, 2001 provides that a municipality may require the owners or occupants of buildings to remove snow and ice from the roofs of the buildings, and may regulate when and how the removal shall be undertaken;

**AND WHEREAS** Section 127 of the Municipal Act, 2001 permits a municipality to pass By-laws requiring an owner or occupant of land to clean and clear the land, not including buildings; to clear refuse or debris from the land, not including buildings; for regulating when and how such matters shall be done; for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of the land; and for defining "refuse";

**AND WHEREAS** Section 128 of the Municipal Act, 2001 permits a municipality 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 in the opinion of Council are or could become public nuisances;

**AND WHEREAS** Section 129 of the Municipal Act, 2001 permits a municipality to pass By-laws to prohibit and regulate with respect to odor, dust, and outdoor illumination including indoor lighting that can be seen outdoors;

**AND WHEREAS** Section 131 of the Municipal Act, 2001, permits a municipality to 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 425 of the Municipal Act, 2001 permits a municipality to pass By-laws providing that any person who contravenes any By-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

**AND WHEREAS** Section 436 of the Municipal Act, 2001 permits a municipality to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a By-law passed under the Municipal Act, 2001, or a direction or order made under such a by-law are being complied with;

**AND WHEREAS** Subsection 444(1) of the Municipal Act, 2001 permits a municipality, if satisfied that a contravention of a By-law of the municipality passed under the Municipal Act, 2001 has occurred, to 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** Subsection 445(1) of the Municipal Act, 2001 permits a municipality if satisfied that a contravention of a by-law of the municipality 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 do work to correct the contravention.

**AND WHEREAS** Subsection 446(1) of the Municipal Act, 2001 provides that if a municipality has the authority under the Municipal Act, 2001 or any other Act, or under a By-law under the Municipal Act, 2001 or any other Act, 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 WHEREAS** Subsection 446(2) of the Municipal Act, 2001 provides that a municipality may enter upon land at any reasonable time for the purposes of Subsection 446(1);

**AND WHEREAS** Subsection 446(3) of the Municipal Act, 2001 permits a municipality to recover the costs of doing a matter or thing under Subsection 446(1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** Corporation of the Municipality of Morris-Turnberry deems it necessary to regulate the cleaning and clearing of land, maintenance of boulevards and the clearing of snow and ice from sidewalks and roofs of buildings within the municipality;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Morris - Turnberry enacts as follows:

## **I. ADMINISTRATION AND INTERPRETATION**

### **Short Title**

1.0. This By-law may be referred to as "Clean Yards By-law"

### **Administration**

1.1 This By-law will be administered by the Clerk and may be enforced by the By-law enforcement officers.

## **Interpretation**

1.2. For the purposes of this By-law:

a) In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the public, health, safety, comfort, convenience and general welfare.

b) Council of the Municipality deems standing water, loose rubbish and debris on lands and unkept property a nuisance that could create a health and safety hazard for the public.

## **Word Usage**

1.3. Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.

## **Reference to Legislation**

1.4 Reference to any Act, Regulation or By-law is reference to that Act, Regulation or By-law as it is amended, or re-enacted from time to time.

## **Conflict**

1.5. Where there is a conflict between a provision of this By-law and a provision of any other Municipal By-law, the provision that establishes the highest standards to protect the health and safety of the public shall apply.

1.6. Where the provisions of this By-law conflicts with any Act, the provisions of the provincial standards shall prevail.

1.7. In the case of a conflict between this By-law and the permitted uses of Municipal Zoning By-law, the provisions that establish the highest standards to protect the health and safety of the public shall apply.

## **II. DEFINITIONS**

2.0. **In this By-law,**

2.1. **“Adjacent Boulevard”** means the boulevard immediately adjacent to the front, side, rear or exterior side yards used for driveway access and or sidewalk.

2.2. **“Adjacent sidewalk”** means a public sidewalk located on a boulevard immediately adjacent to the front, side, rear and/or exterior side yard of a property.

2.3. **“By-law”** means this Clean Yards By-law.

2.4. **“Boulevard”** means that portion of every road allowance within the limits of the Municipality which is not used as a sidewalk, driveway access, traveled roadway or shoulder.

2.5. **“Clear water waste”** means waste water containing no impurities or contaminants that are harmful to a person’s health, plant or animal life or that impair the quality of the natural environment.

2.6. **“Clerk”** means the Clerk appointed on behalf of the Municipality and includes his/her designate(s).

- 2.7. "**Costs**" means all monetary expenses incurred by the Municipality during and throughout the process of any remedial work, including interest, and may include any additional fees as determined by the Municipality's Fees and Charges By-law.
- 2.8. "**Council**" means the Council of the Municipality of Morris - Turnberry.
- 2.9. "**Composting**" means the biological degradation or breakdown of organic material into a dark soil-like material called humus.
- 2.10. "**Derelict motor vehicle**" means a vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes motor vehicles not licensed for the current year.
- 2.11. "**Dwelling unit**" means a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for use of the residents and their guests and with a private entrance from the outside of the building or from a common hallway or stairway inside.
- 2.12. "**Fill**" means any type of material capable of being removed from or deposited on lands, such as soil, stone, sod, turf, concrete, and asphalt either singly or in combination.
- 2.13. "**Graffiti**" means writing, drawing, or symbols applied to any surface, and includes scribbles, scratches and/or sprayed illicitly on a wall or other surface. Graffiti ranges from simple written words to elaborate wall paintings.
- 2.14. "**Highway**" means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance, a street as defined in the Municipal Act, 2001 and the Highway Traffic Act and a highway as defined in the Municipal Act, 2001 and the Highway Traffic Act.
- 2.15. "**Infestation**" means the overrunning of a property by vermin, rodents and insects.
- 2.16. "**Medical Officer of Health**" refers to the Medical Officer of Health for Huron and Perth County.
- 2.17. "**Motor vehicle**" means an automobile, truck, motorcycle, snowmobile, trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running solely upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.
- 2.18. "**Municipality**" means The Corporation of the Municipality of Morris - Turnberry.
- 2.19. "**Natural garden**" means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape.
- 2.20. "**Officer**" means a person appointed and/or responsible for the enforcement of provisions of Municipal By-laws and may include his/her designate(s).

2.21. "**Owner**" means the registered owner of land or the occupant, tenant, lessee or the person for the time being managing or receiving the rent of the property, whether on its own account or on account of an agent or trustee of any other person or anyone of the aforesaid.

2.22. "**Person**" includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual.

2.23. "**Property**" means land and includes; a parcel or tract of land capable of being conveyed as a separate parcel pursuant to the provisions of the Planning Act, or is described in accordance with a registered Plan of Condominium.

2.24. "**Public Nuisance**" means an activity or activities, intentional or negligent in origin, which have a detrimental impact on the use and enjoyment of properties in the vicinity of the premises and for the purposes of this By-law includes odor, dust and illumination.

2.25. "**Recreational Vehicle**" means a specially designed vehicle used for recreation purposes, whether or not it is required to be licensed, including an all-terrain vehicle, a snowmobile, a camper, a motor home, a boat or trailer.

2.26. "**Refuse**" or "**Debris**" or "**Rubbish**" means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or rock fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and unmaintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard.

2.27. "**Remedial work**" means all work necessary for the correction or elimination of a contravention of this By-law as cited in any order issued under this By-law, including any such condition or health hazard, actual or potential, that the contravention may pose.

2.28. "**Settlement area**" means areas within towns, villages and hamlets where development is concentrated, and the surrounding land has been designated for development in the Official Plan.

2.29. "**Sewage**" means, a liquid or water borne waste, of industrial or commercial origin, or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste, or liquid or water borne waste discharged from a pool to a drain. 'Grey water' means sanitary sewage of domestic origin that is derived from fixtures other than sanitary units.

2.30. "**Sidewalk**" means a Municipal or County sidewalk located on a boulevard.

2.31. "**Standing Water**" means any water, other than a natural body of water that exists on a permanent basis that is found on the ground.

2.32. "**Trailer**" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

2.33. **“Waste”** means any waste of any kind whatsoever and without limiting the generality of the forgoing includes; rubbish and debris, refuse, sewage, effluent, garbage, or litter of any type including household waste.

2.34. **“Weed(s)”** means a noxious weed designated by or under the Weed Control Act, R.S.O. 1990, c. W.5, including any weed designated as a local or noxious weed under a By-law.

2.35. **“Yard”** means an open, uncovered space on a lot appurtenant to a main building and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used; and,

a) **“Exterior Side Yard”** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the street line and the nearest wall of any building or structure. The minimum exterior yard means the minimum depth of an exterior side yard on a lot between the exterior side lot line and the nearest wall of any building or structure on the lot.

b) **“Front Yard”** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot. The minimum front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest wall of any building or structure on the lot.

c) **“Rear Yard”** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot. The minimum rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any building or structure on the lot.

2.36. **“Zoning By-law”** means a By-law passed by Council under the authority of the Planning Act.

### **III. STANDARDS FOR ALL PROPERTIES**

#### **Property Maintenance**

3.0. Every owner of property shall keep their property maintained free of accumulation of rubbish, debris, discarded objects, and shall also keep their property free from conditions such as holes or excavations that might create a health, safety, or accident hazard.

#### **Landscaping**

3.1. Every owner shall ensure suitable ground cover be provided to prevent erosion of the soil.

3.2. Every owner shall ensure where grass forms part of the ground cover, it shall be re-sodded or reseeded as often as required to maintain the grass in a living condition and not allowed to grow at a height of more than six (6) inches.

#### **Trees, Plants, Vegetation**

3.3. Notwithstanding section 3.2, where a natural garden forms part of the ground cover, it shall be maintained in a living condition.

3.4. Every person shall ensure that vegetation on his/her property be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or the passage of the general public.

3.5. Every person shall keep his/her property clear from weeds, heavy growth, and dead or dying trees and shrubs, and all trees on the property shall be pruned so as to be free from dead or dying branches.

3.6. No person shall have, plant, grow, maintain or permit on his/her property; a hedge, shrub, plant or tree which:

- a) interferes with the safety of the public;
- b) affects the safety of vehicular or pedestrian traffic;
- c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- d) wholly or partially conceals or interferes with the use of any hydrant or water valve, or other utility;
- e) encroaches upon any sidewalk or pavement or traveled portion of any street or highway;

or

- f) overhangs over any sidewalk, pavement or traveled portion of any street or highway.

#### **Dirt Piles**

3.7. Every person shall keep their property graded, and any fill placed on property, shall be levelled within fourteen (14) days of placement of such fill material. No fill shall be left in an uncovered state, meaning not covered by sod, or seed on any property for longer than thirty (30) days unless the property is actively being farmed.

3.8. Notwithstanding section 3.7 or 3.8, any dirt placed or levelled must be done to the satisfaction of the By-law Enforcement Officer.

#### **Waste**

3.9. Every person shall:

- a) keep his/her property free and clear of all refuse, debris, rubbish, or waste of any kind, including from any objects or conditions that may create a health, fire or accident hazard;
- b) ensure that his/her land is free and clear of infestation;
- c) ensure garbage, rubbish, are promptly stored in receptacles and removed in a timely manner.

#### **Garbage Refuse and Disposal**

3.10. Every owner of property shall store household waste in rigid, watertight containers, which are maintained in good condition without holes or spillage and with secure lids when stored outdoors, and household waste shall not be stored in the front yard of a residential property where the property has a garage, side yard or designated storage facility.

3.11. Notwithstanding section 3.10, garbage may be placed in a front yard in accordance with Municipal garbage collection and regular scheduled pick up.

3.12. Materials of a flammable nature shall, if they are lawfully on the property, be safely stored or else removed at once from the property.

3.13. Containers shall be made available in a prominent position on non-residential property for the disposal of waste which may be discarded by customers and others, and land shall be kept free of such waste.

3.14. Where waste is to be stored or placed for disposal outside the enclosing walls of a building on non-residential property, the storage and placement of such receptacles shall:

a) be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health concern through its storage or through deterioration, wind or misuse of the storage facility;

and

b) be screened if less than sixty (60) metres (196.85 ft.) from a highway, walkway, park, or residential property so as not to be visible from such locations.

3.15. A balcony, porch, deck, or landing shall be maintained free from accumulation of refuse, debris or rubbish and any conditions that might create a health, fire or accident hazard.

3.16. In multiple occupancy dwellings, every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odor free condition.

### **Littering**

3.17. No person shall throw, place or deposit refuse, debris, rubbish, or waste of any kind on any property or highway.

3.18. No person shall throw, place, or deposit leaves, grass clippings, dirt or snow on a highway, or sidewalk.

### **Unsafe/Hazardous**

3.19. Every owner shall:

a) keep his/her property free of holes or excavations which may create health or accident hazards;

b) ensure any excavation or other declivity, pit or hole is enclosed with a fence; and

c) ensure any open well is enclosed with a proper fitting lid.

### **Derelict Motor Vehicles/Trailers**

3.20. No owner shall use any property for the parking, storage, keeping or placement of the following:

a) derelict motor vehicles or motor vehicles that are unfit to be operated on a highway due to damage or poor repair;

b) motor vehicles that are not currently licensed for operation pursuant to the provisions of the Highway Traffic Act;

- c) motor vehicles parts or components unless otherwise expressly permitted;
- d) wrecked, dismantled, discarded, inoperative, or abandoned motor vehicles, machinery, trailers or boats.

3.21. Any vehicle, including without limitation of the generality of the foregoing, trailer, tractor, farm implements, truck camper, camper, boat or motorcycle, or remnant of part or parts thereof or mechanical equipment, which is in a wrecked, discarded, dismantled or inoperative condition vehicle or trailer that does not properly display thereon a valid and current license plate or marker shall, for the purpose of this By-law be deemed to be discarded, inoperative or abandoned.

3.22. In the case of farm machinery or equipment on property where the 'use' or keeping same is permitted in accordance with the Zoning By-law, all such vehicles or equipment shall be parked or stored in a neat and orderly manner.

3.23. Section 3.20 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 Zoning By-law and/or respective site plan agreements, and their respective screening requirements.

#### **Utility Trailer/Trailer/Boats/Vehicle**

3.24. No owner shall park, store, keep or place a recreational vehicle, utility trailer, trailer, boat, mobile home or similar vehicle in an exterior side yard of a property in an area identified as residential, pursuant to the Municipal Zoning By-law.

#### **Parking and Paved Areas**

3.25. Every owner shall ensure that all steps, walks, driveways, parking spaces, and similar areas of yards shall be maintained in good repair so as to afford safe passage there along.

3.26. Every owner shall remove from the roof(s) and eave(s) of every building on the property any snow and ice that could pose a health and safety hazard to persons or property below, in the normal use of walkways, driveways, and parking areas adjacent to, and entrances to, such building(s).

3.27. Every owner shall ensure that parking areas other than those for residential properties but including those for apartment buildings shall be provided with secured perimeter curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles or other structures adjacent to the parking lot or adjoining property and from encroaching onto adjoining property.

#### **Screening**

3.28. The owner of any outdoor salvage yard, outdoor storage yard where permitted pursuant to the Zoning By-law, shall ensure the property be obscured by screening or fencing from surrounding property and the street.

#### **Composting**

3.29. No owner shall permit composting of any kind other than in accordance with this By-law.

3.30. All composting shall be carried out in accordance with the following requirements:

- a) Composting is permitted only in a rear yard of a dwelling unit;
- b) Composting shall take place only in a container, pile or digester and only on land on which a dwelling unit is located;
- c) Any compost containers or digesters used for composting shall be kept covered tightly at all times, except when being emptied or filled;
- d) There shall be no more than two (2) compost containers, piles or digesters used for composting on each parcel of land on which a dwelling unit is located, for a total composting capacity on the land of not more than two (2) cubic metres;
- e) No feces shall be placed in a compost container, pile or digester used for composting;
- f) No offensive odor shall be permitted to emanate from the compost container, pile or digester used for composting;
- g) Maintained in such a manner to deter animals, rodents or vermin;
- h) Organic materials placed in a compost container shall be kept covered with yard waste, soil or humus;
- i) Any compost container, pile or digester used for composting shall be set back at least 1.2 metres (3.93 ft.) from any lot line;
- j) In a pile no larger than one square metre and 1.2 metres (3.93 ft.) in height which shall be enclosed on all sides by concrete block, or lumber, or in a forty-five-gallon container, a metal frame building with concrete floor, or a commercial plastic enclosed container designed for composting.

3.31. Section 3.30 does not apply to a property if composting is necessary for the operation of a permitted 'use' lawfully situated on the property pursuant to the Zoning By-law.

### **Public Nuisance**

#### 3.32. Interpretation

- a) Whether a thing or activity annoys or disturbs a person or otherwise constitutes a nuisance is a question of fact to be determined by a Court hearing a prosecution pursuant to sections 3.35 to 3.39 of the By-law.
- b) In making a determination with respect to an offence under this Part, a Court may take into consideration any or all of the following factors:
  - i. the frequency of the activity;
  - ii. the intensity and duration of the activity;
  - iii. the time of day or season;
  - iv. the nature of the surrounding area;
  - v. the effect of the thing or activity on a complainant or complainants;
  - and
  - vi. the effect of the thing or activity on the surrounding area.

### **Dust**

3.33. Every owner shall maintain his/her property in a manner to prevent accumulations of dust or dirt from spreading to neighbouring properties.

3.34. Section 3.33 does not apply to agricultural property if the dust is necessary in the operation of a permitted 'use' lawfully situated on the property pursuant to the Zoning By-law.

### **Light**

3.35. No owner of property shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.

3.36. No owner of a property shall cause or permit light to be broadcast directly from that property onto another property.

3.37. An outdoor light shall not constitute a violation of subsections 3.35 and 3.36 if the owner or occupier of the property shields the light from shining directly at the living or sleeping areas of the adjacent dwelling house.

### **Graffiti**

3.38. No person shall place, cause or permit graffiti to be placed on any property within the Municipality.

3.39. Every owner shall at all times maintain property free of graffiti.

### **Standing Water**

3.40. No owner shall permit standing water for a period in excess of three (3) days on property including but not limited to on the ground, in waste, debris, accessory structures or property.

3.41. Every owner of property containing a swimming pool, hot tub, wading pool or artificial pond shall maintain such swimming pool, hot tub, wading pool or artificial pond in good repair and working condition and free of standing water.

3.42. Any person owning a property in the Municipality where a natural pond or marsh exists, when ordered by the Medical Officer of Health that significant medical hazard exists, take the steps outlined by the Medical Officer of Health to remedy the situation. Not limiting the foregoing, it may include the filling or draining of the body of water or the treatment of the same with a larvicide.

### **Sanitary Sewage**

3.43. No owner shall discharge or permit the discharge of sanitary sewage onto the surface of the ground whether into a natural or artificial surface drainage system.

### **Drainage**

3.44. Every owner shall ensure that all storm water, run-off from downspouts and impervious surfaces on the property is contained within the limits of the property until absorbed by the soil or drained to a swale, watercourse or storm sewer.

3.45. Every owner shall ensure that all storm water, including roof drainage is drained from the property so as to prevent recurrent or excessive ponding or the entrance of water to a basement or cellar.

3.46. Every owner shall ensure that roof drainage is not to be discharged directly onto sidewalks, stairs or neighbouring property.

3.47. Every owner shall ensure catch basins and storm drains installed on property, be maintained in a good state of repair and free from conditions which would impede the natural flow of water.

3.48. No owner of property shall obstruct or permit the obstruction of a watercourse on such property.

3.49. Every owner of property shall:

a) If there is reoccurring excessive ponding, ensure adequate drainage is installed.

and

b) Ensure that such property is not filled, graded, re-graded or altered in any way that would change existing surface drainage patterns or create additional storm water run-off onto any adjacent property.

### **Swimming Pools**

3.50. Every owner shall ensure that any swimming pool, hot tub or sump pump discharge from property is drained so as to prevent ponding or entrance of water into a basement or cellar; not discharged onto walkways, boulevards stairs or neighbouring properties and if chlorinated or chemically treated shall be dechlorinated before being discharged to a storm sewer.

3.51. Every owner shall keep a swimming pool, hot tub, wading pool, or artificial pond in good repair and working condition.

### **Boulevards**

3.52. Every owner of a property shall ensure that all boulevards adjacent to their property are kept free from:

a) long grass and weeds,

b) hazardous objects or materials,

c) domestic animal excrement,

d) rubbish or other debris.

3.53. Section 3.52 does not apply to owners of property zoned rural or agricultural, pursuant to the Zoning By-law.

### **Snow on Roofs**

3.54. Every owner of a building which is located in close proximity to a sidewalk or highway shall remove snow and ice from the roof of the building to prevent snow and ice from falling upon the sidewalk or highway.

3.55. Every owner of a building which is located in close proximity to a sidewalk or highway shall take sufficient care while removing snow and ice from the roof of the building to protect the safety of pedestrian and vehicle traffic.

## **IV. GENERAL PROVISIONS ENFORCEMENT**

### **Inspection**

4.0 An officer may enter onto land at any reasonable time with proper identification to inspect any land to determine whether the provisions of this By-law, or an order issued under this By-law have been complied with. The Municipality shall charge the owner of a property a fee to conduct an inspection if found in violation pursuant to the Municipality's current Fees and Charges By-Law, including increased fees for multiple inspection

### **Obstruction**

4.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

### **Order to Discontinue Activity**

4.2. If an officer has reasonable grounds to believe that a contravention of this By-law has occurred, the officer may make an order requiring the owner of the land and 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 contravention.

### **Work Order**

4.3. If an officer is satisfied that a contravention of this By-law has occurred, the officer may make an order requiring the work to be done to correct the contravention.

4.4. An order issued under the authority of this By-law, shall set out:

- a) the municipal address of the property on which the contravention occurred;
- b) the date of the contravention;
- c) the particulars of the contravention of the By-law;
- d) the date by which there must be compliance with the order; the order must allow at least 72 hours from the date of service for the owner to comply with the order;

and

- e) notice that if the work is not done in compliance with the Work Order by the deadline, the Municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

### **Service of Orders**

4.5. The order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the fifth day after mailing. Service on a corporation can be made by registered mail to the corporate mailing address.

### **Unable to effect service**

4.6. If the Municipality is unable to effect service on the owner, a placard containing the terms of the order may be placed in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service of the order on the owner.

### **Work Done by the Municipality**

4.7. If the work required by an order under the provisions of this By-law, is not done within the specified period, the Municipality, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon the land, at any reasonable time, for this purpose.

4.8. The Municipality may charge the owner of a property a fee to conduct an inspection if found in violation pursuant to the Municipality's current Fees and Charges By-Law, including increased fees for multiple inspections

4.9. The Municipality may charge the owner of a property a fee if an Order placed on a property is confirmed pursuant to the Municipality's current Fees and Charges By-law.

4.10. If the costs for work pursuant the provisions of this By-law are not paid to the Municipality within 30 days of written demand thereof, the Treasurer for the Municipality may add the costs, including interest, to the tax roll for the lot and collect them in the same manner as municipal taxes.

### **Offence and Penalty**

4.11. Every person who contravenes this By-law, including an order issued under this By-law, is guilty of an offence.

4.12. Any person who is in contravention of any provision of this By-law, or who fails to comply with an Order issued under this By-law shall be deemed to be committing a continuing offence for each day that the offence remains in contravention, or for each day that they fail to comply with the Order.

4.13. On conviction, a person may be liable:

a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;

b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;

c) upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;

and

d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

4.14. For the purposes of this By-law:

a) "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;

and

b) A “subsequent offence” means a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

#### **V. ENFORCEMENT**

5.0. This By-law may be enforced by an officer, peace officer or any other person hired or appointed by the Municipality for the purposes of enforcing this By-law.

5.1. The Municipality may recover its costs of remedying a violation of this By-law by invoicing the owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the Municipal Act, 2001 and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

#### **VI. VALIDITY & SEVERABILITY**

6.0. Notwithstanding any section, subsections, clause, paragraph or provision of this By-law, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable. All other sections or parts of this By-law are separate and independent therefrom and enacted as such as a whole. Same shall not affect the validity or enforceability of any other provisions of this By-law or of the By-law as a whole.

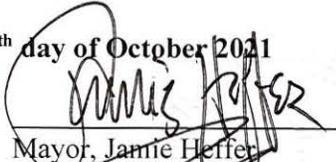
#### **VII. FORCE & EFFECT**

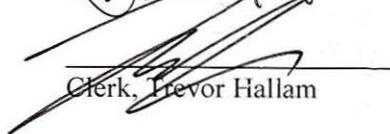
7.0. By-Law 76-2003 of the Corporation of the Municipality of Morris-Turnberry is hereby repealed.

7.1. This by-law shall come into force and take effect on the day of the final passing thereof.

**Read a FIRST and SECOND time this 19<sup>th</sup> day of October 2021**

**Read a THIRD time and FINALLY PASSED this 19<sup>th</sup> day of October 2021**

  
\_\_\_\_\_  
Mayor, Jamie Heffer

  
\_\_\_\_\_  
Clerk, Trevor Hallam