



OAKVILLE

**CONSOLIDATED VERSION AS OF August 15, 2023 – AMENDED BY BY-LAW  
2023-106**

**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2023-075**

A by-law to regulate exterior property maintenance including vegetation, waste and graffiti, and to repeal By-law 2017-008, and the amending By-law 2023-026

**WHEREAS** Section 11(2)(6) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

**WHEREAS** Section 127 of the *Municipal Act*, provides that a municipality may require the owner or occupant of property to clean and clear the property, not including buildings, or to clear refuse or debris from the property; not including buildings;

**WHEREAS** Section 128 of the *Municipal Act*, provides that a municipality may prohibit and regulate with respect to public nuisances;

**WHEREAS**, in the opinion of the Council for the Town of Oakville, graffiti is a public nuisance;

**WHEREAS** Section 131 of the *Municipal Act*, provides that a local municipality may prohibit and regulate the use of any property 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;

**WHEREAS** subsection 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

**WHEREAS** subsection 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

**WHEREAS** Section 436 of the *Municipal Act* authorizes a municipality to pass by-laws that the municipality may enter on land at any reasonable time for the purposes of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of licence;

**COUNCIL ENACTS AS FOLLOWS:**

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## 1. Definitions

(1) In this By-law:

**“Administrative Penalties for Non-Parking Violations and Orders By-law”** means the Town’s By-law 2021-038, or successor by-laws;

**“Adjoining Boulevard”** means that portion of a roadway between the travelled portion of the roadway and the Town property line which abuts an owner’s front property line or exterior side property line or exterior property line and is not used or intended for use for vehicular travel by the general public, and includes the landscaped areas and any driveway apron or sidewalk, but does not include any curb or gutter that is not part of a driveway apron;

**“Attractant”** means any substance which could reasonably be expected to attract wildlife or does attract wildlife, feral or stray domestic animals;

**“Bird Feeding Device”** means any instrument, tool, appliance or thing meant or intended to hold food for songbirds or hummingbirds;

**“Buffer Strip”** means a minimum 0.9m (3 feet) wide border of vegetative growth or turfgrass;

**“Bulk Waste”** means as defined in the Waste Collection By-law;

**“Council”** means the Council of the Town;

**“Common Weeds”** includes, but is not limited to crab grass (*digitaria sp.*), dandelions (*taraxacum p.*), clovers (*melilotus officinalis & melilotus alba*), pigweed (*amaranthus sp.*), and plantain (*plantago sp.*);

**“Compost Container”** means the holding unit, with a lid, used to contain organic material for composting;

**“Composting”** means the biological degradation or breakdown of organic material into a dark soil-like material called humus;

**“Director”** means the Director of Municipal Enforcement Services, or designate;

**“Domestic Animal”** means any animal kept by a person as a pet;

**“Domestic Tool”** means any tool, equipment or device designed or intended for use for construction or maintenance of property where a building permit is not required

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including, but not limited to air compressors, electric power tools, manual hammers, and similar tools;

**“Driveway Apron”** means that portion of any driveway, parking lot, or other hard surface, whether paved, poured, laid or otherwise constituted, which extends from private property onto the roadway;

**“Dumping”** means throwing, placing or disposing refuse on a property;

**“Dwelling Unit”** means a place of residence with one (1) or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit;

**“Feed or Feeding”** means the act of furnishing or making food or other substances available which is likely to be consumed by wildlife, feral or stray domestic animals, but does not include keeping compost in accordance with this By-law or growing fruits and vegetables in gardens;

**“Flankage Lot Line”** means the lot line of a corner lot or through corner lot adjoining a road that is not the front lot line or rear lot line and includes the lot line abutting a daylight triangle;

**“Floodplain”** means the area, usually low lands adjoining a watercourse, which has been or may be subject to flood hazards;

**“Graffiti”** means the defacement of property and includes one or more letters, symbols, marks, drawings, paintings, messages or slogans, howsoever made, applied to any surface, but does not include the following:

- (a) a sign, public notice, or traffic control mark authorized by the Town, the Regional Municipality of Halton or the federal or provincial governments; or
- (b) a sign authorized pursuant to a permit issued under the Town’s Sign By-law 2018-153;

**“Ground Cover”** means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping;

**“Habitable Room”** means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the forgoing shall include den, library, sunroom, or recreational room or any combination thereof;

**“Halton Region”** means The Regional Municipality of Halton;

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**“Hummingbird”** means a small nectar-feeding tropical American bird of the family Trochilidae;

**“Infestation”** shall mean the presence of pests or injurious insects in numbers or under conditions that involve an immediate or potential risk to health and safety.

**“Injurious Insects”** means any insect that has or that is likely to have an adverse effect on the health of any person or any insect that is capable of causing structural damage to a building or structure, including termites and carpenter ants;

**“Inoperable Motor Vehicle”** includes, but is not limited to, a motor vehicle that:

- (a) is inoperable by reason of removed wheels, battery, motor transmission or other parts or equipment necessary for its operation;
- (b) is not in a roadworthy condition;
- (c) is in a state of disrepair or is unsightly by reason of missing doors, glass or other body parts;
- (d) is inoperable and appears incapable of use as a means of lawful transportation; or
- (e) does not have affixed to it a valid licence plate.

(Deleted by By-law 2023-106)

**“Lot Line”** means a line delineating any boundary of a property;

**“Motor Vehicle”** means as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

**“Noxious Weed”** means a noxious weed designated by or under the Weed Control Act, R.S.O. 1990, c. W.5, and includes any weed that may be designated as a local weed by the Town upon passage of a by-law in accordance with the Weed Control Act;

**“Occupant”** means any person or persons over the age of eighteen (18) years residing at a property;

**“Officer”** means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers, police officers, and provincial offences officers;

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**“Ornamental Plants”** means plants deliberately grown for beautification, screening, accent, specimen, colour or other aesthetic reasons but does not include vegetative growth or turfgrass as defined in this By-law;

**“Owner”** includes:

- (a) the registered owner(s) of the property;
- (b) the person, for the time being, managing or receiving the rent from a building on the property, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the building on the property were let; and,
- (c) an occupant of a building on the property;
- (d) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

**“Penalty Notice”** means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders Bylaw;

**“Perimeter Strip”** means the cutting of a minimum 10 metre (32 feet) wide border of vegetative growth or turfgrass immediately adjacent to the lot line where the lot line adjoins any other property;

**“Person”** means an individual, corporation, unincorporated association or partnership;

**“Pests”** means rodents, vermin, and/or injurious insects;

**“Property”** means real property that may have a building (occupied or unoccupied) on it or vacant land, excludes public property;

**“Public Property”** means property that is owned by the Town or any of its boards and agencies, Halton Region, Halton District and Halton Catholic School Boards, Conseil Scolaire Viamonde, Conseil Scolaire Catholique MonAvenir, the Crown in Right of Ontario or any of its agencies or property of the Crown in Right of Canada or any of its agencies;

**“Rates and Fees Schedule”** means the Town’s current rates and fees schedule approved by Council as part of the annual budget approval process;

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**“Rear Lot Line”** means the lot line opposite to, and most distant from, the front lot line, but where the side lot lines intersect, as in the case of a triangular lot, the rear lot line shall be represented by the point of intersection;

**“Rear Yard”** means a yard extending across the full width of the property between the rear lot line and the nearest part of the nearest building on the property;

**“Residential Use”** means the use of land and buildings for human habitation but does not include a hotel;

**“Residential Zone”** means a zone that permits residential uses;

**“Songbird”** means a bird belonging to the oscine division in ornithology;

**“Stagnant Water”** means any water, other than a natural body of water that exists on a permanent basis or contained within a municipally owned storm water management pond or facility, that is non-flowing, uncirculated, motionless, or stale, that provides a breeding place for mosquitos or other health hazards, but does not include water that is in a covered rain barrel;

**“Town”** means The Corporation of the Town of Oakville or the geographic area of the Town of Oakville, as the context requires;

**“Turfgrass”** means various perennial grasses grown for lawns, of a type that forms a dense, uniform turf if mowed;

**“Unsightly Condition”** means an unorganized, generally unattractive condition that lacks general maintenance and upkeep, or an excessive or unreasonable accumulation of items or materials;

**“Vegetative Growth”** means woody or herbaceous plant material such as undergrowth, brush, and common weeds but does not include turfgrass or ornamental plants as defined in this By-law;

**“Waste”** means a substance or material that is unusable or unwanted and includes but is not limited to:

- (a) rubbish, garbage, brush, litter, debris, bottles, cans, packing materials, paper, clothing, bulk waste, recyclable materials;
- (b) food scraps, bones or organic waste;
- (c) human or pet excrement;
- (d) disconnected appliances and parts of such appliances designed for interior use;

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- (e) indoor furniture and household effects;
- (f) exterior furniture that becomes dilapidated;
- (g) dilapidated landscape or garden features such as awnings, marquees, canopies, pergolas, trellis, lattice, statues and benches;
- (h) broken or discarded material;
- (i) inoperable machinery or mechanical equipment, or parts thereof, or other objects or parts thereof;
- (j) parts of vehicles not packaged for immediate shipment, including worn automobile tires, used oil, and automotive parts;
- (k) articles, things, matter or effluent or any part thereof derived from or made or consisting of: agricultural, animal, vegetable, paper, lumber or wood products or mineral, metal or chemical products, petroleum products/fluids, lubricants, oils, hydrocarbons, or similar materials, whether or not the products are used, manufactured or otherwise processed;
- (l) material resulting from construction, demolition, repair or renovation projects, including soil or rock fill;
- (m) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment;
- (n) waste lumber;
- (o) items in an unsightly condition;
- (p) torn or cut branches or twigs, leaves, yard waste, stumps and similar vegetative waste; or
- (q) without restricting the foregoing, any unused or unusable material that by reason of its state, condition or excess accumulation:
  - (i) has been cast aside, discarded or abandoned, whether of any value or not;
  - (ii) has been used up, in whole or in part, whether of any value or not; or
  - (iii) has been expended or worn out, in whole or in part, whether of any value or not;

**“Waste Collection By-law”** means Halton Region’s Waste Collection By-law 123-12;

**“Watercourse”** shall mean an identifiable depression in the ground, including drainage swales in which a natural flow of water occasionally, regularly or continuously flows, even if the bed is sometimes dry, and even if the banks are sometimes overflowed or submerged;

**“Wildlife”** means an animal that belongs to a species that is wild by nature and includes, but is not limited to, coyotes, foxes, deer, wild rabbits, raccoons, opossums, squirrels, skunks and pests, but does not include domestic animals, feral or stray cats, songbirds or hummingbirds;



**“Zoning By-law - South of Dundas Street”** means the Town’s Zoning By-law 2014-014;

**“Zoning By-law - North of Dundas Street”** means the Town’s Zoning By-law 2009-189.

## **2. Interpretation**

- (1) This By-law is a designated by-law under the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) The use of headings in this By-law are for convenient reference only and shall not form part of this By-law.
- (3) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.

## **3. Application**

- (1) This By-law applies to all properties within the Town, including public property where specified.
- (2) This By-law does not apply to the interior of any building or dwelling unit.
- (3) This By-law does not apply to matters which, in the opinion of the Director, are minor in nature.
- (4) Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation prevails.

## **4. Naturalized Area**

- (1) A naturalized area is an area that:
  - (a) is deliberately planted or cultivated with one or more species of wild flowers, shrubs, annuals, perennials, ornamental grasses, or a combination of them, to emulate a natural area; and
  - (b) is regularly monitored and maintained by a person.

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- (2) Every owner shall comply with subsection 4(3) respecting naturalized areas.
- (3) A naturalized area:
  - (a) is only permitted in the rear yard of a property located in a residential zone as defined in the Zoning By-law - South of Dundas Street or the rear yard of a property with a residential use as defined in the Zoning By-law – North of Dundas Street;
  - (b) shall occupy a maximum of 25% of the rear yard, measured in a square/rectangle from the rear lot line to the closest point to the rear of the dwelling unit and from side lot line to side lot line or flankage lot line; and
  - (c) shall contain a buffer strip around the perimeter of the rear yard, where vegetative growth, common weeds and turfgrass are to be cut whenever the growth in the buffer strip exceeds twenty (20) centimeters in height. The buffer strip is required to be cut where the naturalized area adjoins a lot line of another property.

## 5. Property Maintenance

- (1) Every owner shall keep the vegetation on their property clean and cleared-up.
- (2) Subsection 5(1) does not apply to crops being grown by an agricultural operation as defined in the *Farming and Food Production and Protection Act*, 1998, S.O. 1998, c.1.
- (3) For the purposes of subsection 5(1), “clean” or “cleared-up” means:
  - (a) the cutting of turfgrass, common weeds, and vegetative growth, and removal of cuttings whenever the growth exceeds twenty (20) centimeters in height;
  - (b) if a property does not consist of cut lawns and tended flower beds and is over .5 hectare (1.24 acres) in size, the cutting of a perimeter strip whenever the growth in the perimeter strip exceeds twenty (20) centimeters in height;
- (4) Every owner of property shall maintain the adjoining boulevard at their expense, and shall cut turfgrass, common weeds and vegetative growth on the boulevard whenever the height of the turfgrass, common weeds or

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vegetative growth exceeds twenty (20) centimeters in height and shall keep the boulevard free of all noxious weeds in accordance with subsection 5(5).

- (5) Every owner shall remove and destroy all noxious weeds from their property, whether dead or alive.
- (6) For the purpose of subsection 5(5), noxious weeds shall be destroyed by the following means:
  - (a) pulling or otherwise removing the plants from the soil;
  - (b) cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after cutting;
  - (c) turning the soil in which the plants are or were growing so as to bury or kill the weeds;
  - (d) treating it with herbicide that causes the plants to be destroyed, or which prevents the growth of plants or the ripening of their seeds, provided that nothing in this clause authorizes the use of any herbicide that is contrary to any other law in force in Ontario; or
  - (e) in a manner consistent with targeted and established provincially endorsed weed management strategies.
- (7) No owner shall obstruct, or cause or permit the obstruction of a watercourse on the property.
- (8) Every owner shall remove accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, or are harmful to the neighbouring environment.
- (9) Every owner shall maintain their property so as to prevent:
  - (a) unstable soil conditions;
  - (b) soil erosion; or
  - (c) the accumulation of dust or dirt from spreading to neighbouring properties.
- (10) Every owner shall remove stockpiles of soil or other aggregate material not required to complete the grading of the land on which the stockpile is located.

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- (11) An owner shall not allow a property to remain in an unleveled state for longer than seven (7) days unless the property is:
- (a) a construction site for which a site alteration permit and/or a building permit is in effect;
  - (b) a property being developed under a subdivision or registered site plan agreement with the Town; or
  - (c) a property upon which material is being stored with the approval of the Town or Halton Region in connection with a public works contract.
- (12) An owner shall not allow a property to be left in an uncovered state, meaning not covered by sod, seed or agricultural crop, for longer than thirty (30) days unless the property is:
- (a) a construction site for which a site alteration permit and/or a building permit is in effect;
  - (b) a property being developed under a subdivision or registered site plan agreement with the Town; or
  - (c) being actively farmed.
- (13) Every owner shall keep trees located on their property free from dead, decayed or damaged limbs or branches.
- (14) Deleted by By-law 2023-106
- (15) Deleted by By-law 2023-106

## **6. Feeding Wildlife**

- (1) Section 6 of this By-law applies to public property, except for parks as defined in the Town's Parks By-law 2013-013.
- (2) No person shall:
- (a) feed, attempt to feed or permit the feeding of wildlife on private property or public property in accordance with subsection 6(1);
  - (b) leave or permit the leaving of food or attractants, of any type or in any form, outdoors on private property or public property in accordance

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with subsection 6(1) in such a manner as to attract or be accessible by wildlife, feral or stray domestic animals;

- (c) feed any bird other than a songbird or a hummingbird. This subsection does not apply to pigeons kept in accordance with the Town's Animal Control By-law 2018-006;
  - (d) feed a songbird or a hummingbird unless the following feeding requirements are met by the person:
    - (i) food intended for songbirds or hummingbirds is placed in a bird feeding device that is sufficiently above grade so as to not reasonably be accessible by wildlife;
    - (ii) spillage of food upon the ground is removed by the owner or occupant forthwith and disposed of in a manner that does not attract wildlife, feral or stray domestic animals; and
    - (iii) the bird feeding device is kept in a sanitary condition and in good working order.
- (3) Subsection 6(2) does not apply to:
- (a) the leaving of food as bait by a licensed trapper, authorized wildlife or pest control agency or their employees in the performance of their work;
  - (b) a person authorized by any other legislation to leave food as bait for wildlife;
  - (c) a person leaving food as bait for wildlife where such person is acting on behalf of or under the direction of the Oakville & Milton Humane Society;
  - (d) the leaving of food for the purpose of providing life sustaining resources or as bait in a trap for feral or stray cats by a person or agent acting on behalf of or in conjunction with a registered charitable or not for profit organization having a mandate to care for feral or stray animals;
  - (e) a person feeding wildlife as part of a research program undertaken by a university, college, government research body or wildlife research institution; or

- (f) a person fishing in accordance with a valid provincial licence.

## **7. Graffiti**

- (1) No person shall place or cause or permit graffiti to be placed on a property or on public property.
- (2) Every owner shall keep their property and any erection or object on their property free of graffiti. "Erection or object" includes, but is not limited to a fence, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container.
- (3) Every owner shall immediately clean the exterior of any erection or object on their property of graffiti.

## **8. Compost**

- (1) Every owner shall:
  - (a) carry out composting only in a rear yard and only on a property on which a dwelling unit is located;
  - (b) carry out composting only in a compost container;
  - (c) set back their compost container at least sixty (60) centimeters from any property line;
  - (d) have no more than two (2) compost containers located on their property, for a total composting capacity on the property of not more than two (2) cubic metres;
  - (e) keep the compost container covered tightly at all times, except when being emptied or filled; and
  - (f) keep the compost container in a manner to control pests or infestation.
- (2) No owner shall permit:
  - (a) a compost container to emit odours;
  - (b) food waste to be placed in a compost container without covering it with yard waste, soil or compost; and,

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- (c) feces, bones, meat, dairy or other fat products to be added to a compost container.

## **9. Stagnant Water**

- (1) No owner shall keep a swimming pool, hot tub, wading pool, artificial pond, or fountain on any property unless it is maintained in good repair and in working condition.
- (2) No owner shall permit:
  - (a) a swimming pool, swimming pool cover, wading pool, hot tub, fountain, or artificial pond located on a property to contain stagnant water; or
  - (b) stagnant water to accumulate in any material whatsoever capable of holding water, including but not limited to tires, cars, boats, garden fixtures and containers of any kind.
- (3) Every owner shall take all necessary steps to prevent or remove stagnant water located on a property. Such steps may include, but are not limited to, draining or filling of excavations and depressions, installing screening or netting equipment so as to prevent the breeding of mosquitoes, or the treatment of the property or any part thereof with a larvicide.
- (4) Every owner of a bird bath shall change the water regularly to reduce potential mosquito breeding areas.

## **10. Pest Prevention**

- (1) Every owner shall maintain their property free from any pests and free from infestation.

## **11. Waste and Dumping of Waste**

- (1) Waste as defined in this By-law:
  - (a) does not include waste that is contained in a salvage yard that has a current and valid licence under the Town's Licensing By-law 2015-075, and in compliance with all applicable laws and by-laws; and
  - (b) does not cease to be waste by reason only that it may be commercially saleable or recyclable.

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- (2) No person shall throw, place, dump or deposit waste on any property, including public property, unless permitted by another of the Town's by-laws or by other legislation.
- (3) The owner of property where waste has been thrown, placed, dumped or deposited shall immediately clean and clear the property of the waste material.
- (4) No owner shall:
  - (a) fail to keep their property free and clear of waste;
  - (b) fail to keep their adjoining boulevard free and clear of waste;
  - (c) store waste except in a proper recycling or garbage receptacle or other acceptable container(s) in accordance with the Waste Collection By-law;
  - (d) fail to keep containers used for waste in a sanitary and odour-controlled condition so as not to attract pests, wildlife or create a health & safety hazard;
  - (e) store waste in a manner that allows the waste to escape or be blown out of its container; or
  - (f) store waste in a motor vehicle.
- (5) An owner does not contravene this By-law by placing waste, recyclables, bulk waste or yard waste out for collection, so long as the time and placement occurs in accordance with the Waste Collection By-law.
- (6) Every owner shall ensure that receptables, uncollected bulk waste items, uncollected yard waste and uncollected waste is removed from the place at which it was set out in accordance with the Waste Collection By-law.

## **12. Inoperable Motor Vehicle**

- (1) No owner shall cause or permit the storage of an inoperable motor vehicle or parts thereof on their property, including for the purpose of wrecking or dismantling it or salvaging parts from it for sale or other disposition.
- (2) Every person shall park or store any inoperable motor vehicle only within a fully enclosed attached or detached private garage.



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- (3) Subsection 12(1) and subsection 12(2) do not apply if the owner holds a current and valid licence issued under the Town's Licensing By-law 2015-075 permitting motor vehicle salvage and/or storage on the property.

**13. Temporary Storage of Equipment, Tools, Construction Materials**

- (1) No owner shall store tools, other than domestic tools, equipment or construction materials on their property for a period of more than twenty-one (21) days unless the property is:
- (a) a construction site for which a site alteration permit and/or a building permit has been issued and remains valid and active;
  - (b) being developed under a subdivision or registered site plan agreement with the Town; or
  - (c) used for storage of materials with the approval of the Town.

**14. Storage of Firewood**

- (1) Every owner of property shall:
- (a) keep the front yard of their property free and clear of firewood for domestic use;
  - (b) neatly pile firewood not less than thirty (30) centimeters from any property line, stored at a height of not less than fifteen (15) centimeters above grade, and stored with a total height of not more than 1.5 metres.

**15. Site Plan Conditions Maintained**

- (1) All approved site plan conditions including, but not limited to drainage, ground cover, hedges, trees and landscaping shall be maintained.
- (2) An Officer may accept alternatives in relation to the maintenance of approved site plan conditions, provided that the intent of the original conditions is maintained.

**16. Inspections**

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- (1) An Officer may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - (a) this By-law; or,
  - (b) an Order made under section 17 of this By-law.
- (2) For the purposes of conducting an inspection pursuant to subsection 16(1) of this By-law, an Officer may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) The owner shall provide at their expense when requested by an Officer, reports, tests and samples as are specified in an Order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this By-law.
- (4) 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.
- (5) Where an Officer has reasonable grounds to believe that an offence has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

## **17. Order**

- (1) Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may issue an Order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.

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- (2) Any person who contravenes an Order under this By-law is guilty of an offence.

### **18. Remedial Action**

- (1) The Town may take remedial action as set out in the Administrative Penalties for Non-Parking Violations and Orders By-law if a person fails to do a matter or thing as directed or required by this By-law, including complying with an Order issued under this By-law.

### **19. Fees and Charges**

- (1) Council may, from time to time, impose fees and charges to recover costs in relation to the administration and enforcement of this By-law.

### **20. Administrative Penalties**

- (1) An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law, including any Schedules, may issue a penalty notice to the person in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's rates and fees schedule.
- (3) If an Officer has issued a penalty notice under subsection 20(1) of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this Bylaw, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.
- (4) Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule.
- (5) If an Officer has issued a penalty notice under subsection 20(3) of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this Bylaw, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.

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- (6) Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule.
- (7) A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law.

## **21. Notices**

- (1) Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non-Parking Violations and Orders By-law.

## **22. Penalties**

- (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence and pursuant to section 429 of the *Municipal Act* all contraventions of this By-law are designated as continuing offences.
- (2) Every person, excluding a corporation, who is convicted of an offence, is liable to a minimum fine of Four Hundred and Fifty Dollars (\$450.00) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.
- (3) Every corporation who is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.
- (4) In addition to the fine amounts set out in subsections 22(2) and 22(3) of this By-law, for each day or part of a day that an offence continues, the minimum fine shall be Four Hundred and Fifty Dollars (\$450.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00).

## **23. Repeal**

- (1) By-law 2017-008 and the amending By-law 2023-026 are repealed on the day this By-law comes into force and effect.
- (2) Any reference to By-law 2017-008 in any document shall be deemed to be a reference to this By-law.

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**24. Transition**

- (1) The repeal of By-law 2017-008 does not affect any charges laid or Orders issued under that By-law prior to its repeal.

**25. References**

- (1) References in this By-law to any legislation or by-law means as may be amended or successor by-laws or legislation, and includes any regulations thereunder.

**26. Severability**

- (1) In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

**27. Title**

- (1) This By-law may be known as the “Lot Maintenance By-law.”

**28. Effective Date**

- (1) This By-law comes into force and effect on July 10, 2023.

PASSED this 19th day of June, 2023

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MAYOR

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CLERK