

BY-LAW NO. 2008-0138

A By-law to establish Community Standards respecting yards, refuse, environmental hazards, and nuisances in the Town of Halton Hills.

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 purpose of exercising its authority under that or any other Act;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, and authorizes municipalities to pass by-laws within their respective spheres of jurisdiction;

AND WHEREAS Sections 23.1, 23.2, 23.3 and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorize a municipality to delegate certain powers and duties;

AND WHEREAS Section 122 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate and require owners and occupants of land to remove snow from roofs and sidewalks, and recover the costs for removing the snow and ice;

AND WHEREAS Section 123 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate with respect to cliffs, pits, deep waters and other dangerous places for the purpose of public safety;

AND WHEREAS Section 124 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate the operation of a pit or quarry;

AND WHEREAS Section 126 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate cultural, recreational, and educational events including public fairs;

AND WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to regulate and require owners and occupants of land to clean and clear refuse or debris from the land, for defining "refuse", and for prohibiting the depositing of refuse or debris on land without the consent of the owner or occupant;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to prohibit or 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 129 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to prohibit or regulate with respect to odour, dust and outdoor illumination;

AND WHEREAS Section 131 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a local municipality to prohibit or regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking, dismantling or salvaging parts from them;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws creating an offence for a contravention of a by-law;

AND WHEREAS Section 429 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to establish a system of fines for offences under a by-law;

AND WHEREAS Section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws providing that the municipality may enter on land for the purpose of carrying out inspections, to determine compliance with a by-law, direction, order, or condition of license;

AND WHEREAS Sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provide that, where a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order to discontinue or correct the contravention of the by-law;

AND WHEREAS Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that, where a municipality directs or requires by by-law or otherwise that a matter or thing be done, in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense, and that the municipality may recover the cost of doing such thing or matter by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Council of the Corporation of the Town of Halton Hills deems standing water, rubbish and debris on lands, unkempt yards and overgrown vegetation each to constitute a nuisance that could create a health and safety hazard for the public;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

SHORT TITLE

The short title of this By-law is the *Community Standards By-law*.

PART 1 DEFINITIONS

1. In this By-law:

Compost means decayed organic matter used or intended to be used as fertilizer;

Council means the Council of the Corporation of the Town of Halton Hills;

Deposit means to throw or place or drop, and includes dump, store, accumulate, or otherwise dispose of;

Domestic Waste means any article, thing, matter or effluent usually but not exclusively belonging to or associated with a house or household that appears to be Waste Material, and for greater certainty, but not restricting the generality of the foregoing includes but is not limited to:

Accumulations, deposits, leavings, litter, remains, rubbish, trash, excluding properly maintained compost piles;

Refrigerators, freezers, or other appliances;

Furnace, furnace parts, pipes, fittings to pipes, water or fuel tanks;

Inoperative Motor Vehicles, vehicle parts and accessories;

Paper, cartons, packaging;

Furniture and crockery;

Graffiti means one or more letters, symbols or marks, howsoever made, that disfigure or deface a Property or an object located thereon, without the consent of the owner of the Property or object on which they are placed, but does not include a Sign or a mural which has been authorized by the Town and approved by the Owner;

Highway means a common and public highway and includes a street, avenue, parkway, lane, alley, driveway, square or place, or a bridge, trestle, viaduct or other structure forming part of a highway over or across which a highway passes, any part of which is designed and intended for, or used by, the general public for the passage of vehicles, and includes the whole of a road allowance under the jurisdiction of the Town and, except as otherwise provided, includes a portion of a Highway;

Industrial Waste means any article, thing, matter or effluent usually but not exclusively belonging to or associated with industry, commerce or manufacturing or concerning or relating to any trade, business, calling or occupation, that appears to be Waste Material, and for greater certainty, but not restricting the generality of the foregoing, includes but is not limited to: Articles, things, matter, 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; Automotive parts, Inoperative Motor Vehicles, vehicle parts, mechanical equipment, mechanical parts, and accessories or adjuncts to Motor Vehicles and mechanical equipment;

Piping, tubing, conduits, cable and fittings or other accessories or adjuncts to piping, tubing, conduits or cable; Containers of any size, type or composition; Materials resulting from, or as part of, construction or demolition projects; Rubble, inert fill; and Bones, feathers and hides;

Amended
by By-law
2014-0031

Inoperative Motor Vehicle means a vehicle having missing or damaged parts or in derelict condition which prevents its lawful mechanical function upon a Highway;

Litter means debris, rubbish, filth, Refuse or discarded material of any kind whatsoever, and without limiting the generality of the foregoing shall include animal carcasses or droppings, furniture and household effects in a state of apparent abandonment or disrepair, inoperative mechanical devices and appliances, old or decayed lumber, packing materials, garden Refuse, earth and rock fill, vehicles that are wholly or partly dismantled, wrecked or otherwise inoperative, used oil, material from demolition projects, and vehicles, machinery, equipment or materials apparently disused in their existing location;

Motor Vehicle includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, 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*;

Noxious Weed means any plant that is designated under the *Weed Control Act*, R.S.O. 1990, c. W. 5, as amended, as a Noxious Weed as set out in Schedule 'B' attached hereto;

Nuisance means any injurious, offensive, objectionable or obnoxious condition and, without limiting the generality of the foregoing, shall include a condition which is injurious, offensive, objectionable or obnoxious by reason of the disfigurement or defacement of a Property with Graffiti, or the unsightly storage of goods, wares, merchandise, Litter or other material, or loitering in a public place;

Nuisance Weed means any of the weeds set out in Schedule 'A' attached hereto, including poison ivy, ragweed, thistles or any other plant that may cause allergic reactions or health problems for individuals;

Officer means a municipal law enforcement officer, police officer, or other Person appointed by by-law to enforce the provisions of this By-law;

Owner includes with respect to land or Property, the registered owner, occupant, tenant, or the person for the time being managing or receiving the rent of the property whether on his own account or on an account of an agent or trustee of any other person, or any of the aforesaid;

Person includes an individual, an Owner, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law and the singular shall include the plural;

Private Property means land or Property that is privately owned and is not Town property or property of a local board or property of the Regional Municipality of Halton or property of any of the Crown in Right of Ontario, the Crown in right of Canada or any emanations thereof;

Property means a Building or Structure or part of a Building or Structure, and includes the lands and any premises appurtenant thereto and all mobile homes, mobile Buildings, mobile structures, outbuildings, Fences, and erections thereon and includes vacant Property;

Public Event is a cultural, recreational or educational event including public fairs to which the public is invited and requiring the approval of more than one agency or authority including but not limited to matters respecting health, parking, noise, building, lottery licensing, LCBO, TSSA, fire, police, and traffic;

Refuse means Domestic Waste, Industrial Waste, garbage and Litter;

Residential Area means those areas zoned residential in the Corporation of the Town of Halton Hills Zoning By-laws, and any amendments thereto, passed pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13.

Residential Property means any land or Property within a Residential Area or which is used in whole or in part for human habitation and the plural shall have the corresponding meaning.

Stagnant Water means non-flowing, uncirculated, motionless, or stale water that has remained in a location for a period exceeding seven (7) days;

Town means the Corporation of the Town of Halton Hills;

Waste Material means material or effluent that has been discarded or abandoned, appears to be of no use or value, or is worn out in whole or in part;

PART 2 – CLEAN YARDS & REFUSE

Removal of Refuse

2. Where on any grounds, yard, or vacant lot, there is Refuse the Owner of the Property shall remove such Refuse from the land so that the land is left in a clean condition.

Deposit of Refuse and Littering

3. (1) No Person shall throw, place or deposit Refuse or cause or permit Refuse to be placed upon:
 - (a) Private Property, without the consent of the Owner of the property;
 - (b) Town Property without the written consent of the Town;
 - (c) the Property of the Regional Municipality of Halton or of a local board without the written consent of the Regional Municipality of Halton or the local board; or
 - (d) a Highway.

Discarded Appliances

4. No Person shall place or cause or permit a discarded refrigerator, freezer, or other large appliance to remain on Private Property or on public Property for collection without first ensuring that the hinges and latches, or lid or doors of the unit have been removed or are properly secured to prevent entry.

Dumping, Disposing, Storing Refuse

5. (1) No Person or Owner of Property shall use any land or Property within the Town for a dumping ground or disposing or storing or keeping of Refuse of any kind.
- (2) Subsection 6(1) does not apply to:
- (a) land designated by a by-law of the Town for the purpose of dumping or disposing of Refuse of any kind;
 - (b) Property used by the Town or Regional Municipality of Halton for the purpose of dumping or disposing of Refuse of any kind; or
 - (c) Refuse collection or disposal in accordance with any Act or by-law, or otherwise permitted in this by-law.

Composting

6. No Person or Owner of Property shall:
- (a) store Compost on a Residential Property unless it is properly contained in an enclosed commercial drum or container designed for composting with a tight fitting lid or enclosed on all sides in a structure with a maximum height of 1.5 metres (5 feet) and covered with a top to prevent the escape of odours or the entry of pests;
 - (b) Compost, keep or cause or permit animal feces, animal parts, or animal meat to be composted or kept; and
 - (c) keep Refuse, garbage receptacles, or a Compost container in such a manner that it becomes a nuisance by creating offensive odours or attracting pests.

Charity Collection Sites

7. Every Owner of land upon which one or more receptacles for the collection of donated goods for charitable purposes are located shall ensure the charity collection site is kept in a clean and orderly condition.

Part 3 - HEALTH & SAFETY HAZARDS

Long Grass and Nuisance Weeds

8. (1) Every Owner of land shall:
- (a) cut and maintain grass and all weeds not listed in Schedule "A" Nuisance Weeds to a height not exceeding 20 centimetres (8 inches) from April 1st until November 1st of each year; and
 - (b) destroy and remove all Nuisance Weeds and weed seeds on their lands.

Amended by
By-law
2014-0031

(2) The provisions of Subsection (1) shall not apply to:

Amended by
By-law
2014-0031

- (a) farmland, pasture, or land in current crop production;
- (b) *Repealed by By-law 2014-0031*;
- (c) open space areas designated by the Town;
- (d) reforested lands;
- (e) naturalized areas or parts within a park in its natural state;
- (f) golf courses; and
- (g) lands adjacent to major roadways under the direction and control of a parks, conservation, or Highway authority.

Noxious Weeds

Amended by
By-law
2014-0031

9. *Repealed by By-law 2014-0031*

Snow and Ice Removal

10. (1) Every Owner or occupant of buildings shall remove icicles from the roofs of the buildings within 24 hours after the formation of ice.

(2) The Owner of a Property containing a Multiple Dwelling, and the Owner of a commercial, industrial or institutional Property, any part of which is accessible by the general public, shall:

Amended by
By-law
2014-0031

- (a) maintain all walkways and access routes to all Buildings so as to be kept free of ice and snow 24 hours after a snowfall;
- (b) maintain all ramps and access routes leading to garages so as to be kept free of snow and ice 24 hours after a snowfall; and
- (c) maintain all exterior parking areas, including laneways, so as to be kept free of snow and ice 24 hours after a snowfall.

Stagnant Water

11. (1) No Person or Owner of a Property shall cause or permit the collection of Stagnant Water on any Property.

(2) Where on any Property, there is any collection of Stagnant Water or surface water or any depression, excavation, pool, pond, declivity, or object containing Stagnant water, the Owner of the Property shall remove such Stagnant Water by draining it or implementing a strategy for reducing mosquito breeding approved by an Officer for the prevention of West Nile virus.

Unprotected Wells, Holes, Pits

12. No Owner of any Property whereon there is an unprotected well, pit, hole or cavity over one (1) metre (3.28 feet) in depth shall fail to fill or cover the unprotected well, pit, hole, or cavity.

Pits, Quarries Not in Operation

13. (1) No Owner of a pit or a quarry that has not been in operation for a period of 12 consecutive months shall fail to level and grade the floor and sides of it and the area beyond the edge or rim to a minimum width of 10 metres (32.8 feet).

(2) Subsection (1) does not apply to a pit or a quarry, as defined in the

Deep Water and Dangerous Precipices

14. (1) The Owner of Property within the Town upon which there are man-made precipices, bodies of water and dangerous places shall:
- (a) when required by the Town, fill in or drain the area and keep it filled or drained at all times and/or
 - (b) enclose the dangerous area with a safety fence approved by an Officer.

Part 4 – ENVIRONMENTAL NUISANCES

Dust

15. (1) No Person shall cause or permit dust or other airborne matter to escape the Property owned or occupied by the Person in such excess that it is injurious to any Person or creates a hazardous condition.
- (2) Every Owner of land shall take reasonable precautions to control or prevent dust or other airborne matter from escaping the Property of the Owner in such excess that it is injurious to any Person or creates a hazardous condition.

Odour

16. No Person or Owner of a Property shall keep:
- (a) Refuse, garbage Receptacles, animal excrement, or a Compost container or open Compost pile in such a manner that it becomes a nuisance by creating offensive odours or attracting pests;
 - (b) any substance or materials stored in such a manner that it becomes a nuisance by emitting offensive odours.
17. The provisions of Sections 15, 16, and 19 to this By-law shall not prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act*, S.O. 1998, c. 1, as amended, from carrying out a “normal farm practice” as defined by that Act.

Outdoor Illumination

18. (1) No Owner of a Property shall cause or permit an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling or onto a Highway.
- (2) Section 18(1) shall not:
- (a) require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted;
 - (b) require an illuminated outdoor advertising sign, on the premises of a business, to be turned off at any time the business is open to the public;

- (c) require light fixtures used to illuminate any area for emergency, security, or public safety purposes to be turned off at any time the illumination is necessary for those purposes.

Public Events

- 19. No Person shall hold a Public Event without first having obtained a permit from the Town.

Water Discharge

- 20. No Owner shall:
 - (a) cause or permit a flow of water from a hose or similar device on his Property onto an adjacent Property;
 - (b) direct any rainwater downspout or eaves trough on his Property such that water escapes onto an adjacent Property; or
 - (c) discharge swimming pool water onto any Property without the consent of the Owner of that Property.

Part 5 - PUBLIC NUISANCES

Graffiti

- 21. All Property including but not limited to Buildings, Structures, Fences, or other objects shall be kept clean of Graffiti at all times and shall be restored, resurfaced, and coordinated to the exterior finish of the object.
- 22. No Person shall create and apply Graffiti to any surface on private or public property or to anything located on public property.
- 23. Property that, because of its use, occupancy or other reasons, creates a Nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the Nuisance by the provision and maintenance of:
 - (a) a visual screen, or fence of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of Nuisances to persons at grade on adjacent Properties or a public Highway;
 - (b) a barrier of sufficient size and strength to prevent the dumping of debris or Refuse in yards or vacant Property.

Loitering in a Public Place

- 24. No Person shall loiter on a public sidewalk, street, street corner, or in a public place so as to:
 - (a) obstruct the due and proper use thereof or cause; or
 - (b) create a noise disturbance to the peace and quiet of a neighbourhood.

Municipal Addressing

- 25. (1) Every Owner of land on which a building has been erected shall cause the municipal address number assigned to the property by the Town to be displayed at all times at a location plainly visible from the roadway to which the property is addressed for emergency response purposes.

- (2) The Town may enter properties at any reasonable time to affix Property numbers to buildings or erect signs setting out Property numbers on the land, where an Owner has failed to comply with Section 25 (1).

PART 6 ENFORCEMENT AND PENALTIES

26. (1) Every Person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation is guilty of an offence and upon conviction is liable to a fine not exceeding Fifty Thousand Dollars (\$50,000.00) as provided for in the *Municipal Act, 2001*, as amended.
- (2) Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is One Hundred Thousand Dollars (\$100,000.00) as provided for in the *Municipal Act, 2001*, as amended.

27. (1) An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are complied with and to enforce and carry out into effect the provisions of this By-law or any direction or order issued pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 or this By-law.
- (2) For the purposes of an inspection under subsection (1) the 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) A sample taken under clause (2) (d) shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- (4) If a sample is taken under clause (2) (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.
- (5) A receipt shall be provided for any document or thing removed under clause (2) (b) and the document or thing shall be promptly returned after the copies or extracts are made.
- (6) No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.

28. (1) If the Officer is satisfied that a contravention of this By-law has occurred, the Officer 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;
 - (a) discontinue the contravening activity, or
 - (b) do work to correct the contravention.

- (2) Any Person who contravenes an order under subsection (1) is guilty of an offence.
 - (3) An order under subsection (1) shall set out,
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order.
 - (4) An order under subsection (1) shall be served upon the Person to whom it is directed by personal service or by mailing a copy of the order by prepaid first class mail or registered mail to the last known address noted on the tax assessment roll.
 - (5) Service by prepaid first class mail or registered mail shall be deemed to be effective on the fifth day after the order is mailed.
 - (6) An order under subsection (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.
 - (7) In default of any work directed or required by the Town under this section being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense.
 - (8) Where the Town or any authorized agent on behalf of the Town has performed the work required to bring about compliance with the by-law, the Town may recover the costs of doing any thing or matter under subsection (7) by action or by adding the costs to the tax roll and collected in like manner as property taxes.
 - (9) The costs in subsection (8) shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are paid in full.
 - (10) For the purposes of subsection (7), the Town or any authorized agent on behalf of the Town may enter upon land at any reasonable time and complete the work set out in the order.
- 29.** If a court of competent jurisdiction should declare any section or a part of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.
- 30.** Where the singular is used it shall also mean or stand for the plural.
- 31.** That Town of Halton Hills By-laws No. 1993-0165 respecting the deposit of litter and waste, and 1993-0167 respecting loitering in a public place are hereby repealed.
- 32.** This By-law shall come into full force and effect on its date of passing.

BY-LAW read and passed by the Council for the Town of Halton Hills this 8th day of December, 2008.

MAYOR – Rick Bonnette

CLERK – Debbie Edmonds

SCHEDULE "A" TO By-law No. 2008-0138

Nuisance Weeds

COMMON NAME	SCIENTIFIC NAME
Wild Parsnip	Pastinaca sativa
Climbing Nightshade	Solanum dulcamara L
Deadly Nightshade	Physalis heterophylla Nees.
Dog Strangling Vine	Vincetoxicum nigrum L.
Wild Chervil	Anthriscus sylvestris
Poison Ivy	Conium maculatum L
Ragweed	Ambrosia spp.
Scotch Thistle	Onopordum acanthium L.
Sow Thistle	Sonchus spp.
Bull Thistle	Cirsium vulgare (Savi) Tenore
Canada Thistle	Cirsium arvense (L.) Scopoli
Nodding Thistle	Carduus spp.
Russian Thistle	Salsola pestifer Aven Nelson
Purple Loosestrife	Lythrum salicaria
Giant Hogweed	Heracleum Mantegazzianum
Hemp (Stinging) Nettle	Galeopsis Tetrahit

SCHEDULE "B"

Noxious Weeds

Repealed by By-law 2014-0031

Amended by
By-law
2014-0031

Amended by
By-law
2014-0031