THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 79-2024

Being a By-law to regulate litter, yard waste, and property maintenance within the Municipality of Port Hope.

WHEREAS Council would like to encourage Naturalized Areas on properties within the Municipality; and

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 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

WHEREAS Section 129 of the *Municipal Act*, 2001 permits a municipality to pass by-laws to prohibit and regulate with respect to odour and dust; 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(3) of the *Municipal Act*, 2001 permits a municipality to require that work be done pursuant to Subsection 445(1) 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; 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.

NOW THEREFORE the Council of the Corporation of the Municipality of Port Hope enacts as follows:

1. DEFINITIONS

1.1. "Agricultural Purposes" means the use of land for cultivating soil and producing crops and for the raising of livestock as an "agricultural operation", as defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, but does not include the use of land as a woodlot.

1.2. "Building", for the purposes of graffiti removal, includes, but is not limited to, a building, structure, erection, object, fence, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container.

1.3. "Derelict", when used with reference to a vehicle, machinery, trailer, or boat, means that such vehicle, machinery, trailer, or boat:

(a) has broken or missing parts sufficient to render it incapable of being licensed to operate in its current condition (unless it is a motor vehicle actively being repaired or restored by the owner), or

(b) is in a wrecked, dismantled, discarded, inoperative or abandoned condition.

1.4. "Derelict Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 that is:

(a) inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation;

(b) not in roadworthy condition;

(c) in a state of disrepair or unsightly by reason of missing doors, glass or body parts; or

(d) inoperable and appears incapable of use as a means of lawful transportation or has an industry standard book value that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licensed mechanic but does not include an antique or historic motor vehicle which is actively being restored as a collector's or historic vehicle.

1.5. "Domestic Waste" means any debris, rubbish, refuse, sewage, effluent, discard or garbage of any type arising from a residence, or associated with a house or use of a house or residential property, including, but not limited to:

(a) garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements deteriorating or decaying on a property due to exposure to the weather;

(b) grass clippings, tree cuttings, brush, leaves and garden refuse;

(c) paper, cardboard, clothing;

(d) all kitchen and table water of animal or vegetable origin resulting from the preparation or consumption of food, except any material of animal or vegetable origin placed in a composting container;

(e) cans, glass, plastic containers, dishes;

(f) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;

(g) refrigerators, freezers, stoves or other appliances or furniture;

(h) furnaces, furnace parts, pipes, fittings to pipes and/or water or fuel tanks;

(i) rubble, inert fill, fencing materials; and

(j) commercial shopping carts.

1.6. "Dwelling Unit" means one or more habitable rooms within a building, which is or are designed, occupied and/or used as a single housekeeping unit, in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals occupying same, and includes a registered second suite.

1.7. "Fill" means any type of material deposited or placed on lands and includes soil, rock, stone, concrete, construction materials, asphalt, sod or turf either singly or in combination.

1.8. "Graffiti" means one or more letters, symbols, marks, etchings, pictorial representations, messages or slogans, howsoever made, that disfigure or deface a building, but does not include any of the following:

(a) a sign, public notice, or traffic control mark authorized by the Municipality;

(b) a sign authorized by a permit issued pursuant to the Municipality's Sign By-law;

(c) a sign, public notice or traffic control mark authorized by County, Provincial or Federal law.

1.9. “Highway” includes, but is not limited to, a common and public highway, street, avenue, parkway, drive square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

1.10. “Historic Vehicle” means a motor vehicle that is:

(a) at least 30 years old;

(b) substantially unchanged or unmodified from its originally manufactured state; and

(c) appropriately insured for storage or for use on a highway. Proof of such insurance shall be made available to the Municipality upon request.

1.11. “Industrial Waste” means any debris, refuse, sewage, effluent, discard or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, including, but not limited to:

(a) garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure to the weather;

(b) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits, or cable;

(c) containers of any size, type or composition;

(d) rubble, inert fill;

(e) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;

(f) articles, things, matter, effluent which are derived from or are constituted from or consist of:

i. agricultural, animal, vegetable, paper, lumber or wood products; or

ii. mineral, metal or chemical products;

whether or not the products are manufactured or otherwise processed;

(g) bones, feathers, hides;

(h) paper or cardboard packaging or wrapping;

(i) material resulting from, or as part of, construction or demolition projects;

(j) flammable combustible liquids;

(k) propane; and

(l) paints.

1.12. “Infestation” means the overrunning of a property by vermin, rodents and insects.

1.13. “Land” shall have the meaning accorded to the term in the *Land Titles Act*, R.S.O. 1990, c.L.5, and “property” shall have the same meaning.

1.14. “Litter” means debris, rubbish, filth, refuse, garbage or waste material of any kind whatsoever and without limiting the generality of the foregoing shall include animal carcasses and droppings, ashes, bottles, cans, cartons, construction materials, discarded appliances, clothing, furniture and household effects, inoperative mechanical equipment, kitchen waste, lumber, packing materials, paper, soil, soot, tree trimmings and prunings, garden waste, stumps, branches, worn automobile tires, used oil, and automobile parts.

1.15. “Municipal Law Enforcement Officer” means a Police Officer, a Municipal Law Enforcement Officer appointed by the Municipality, or any other agent acting on behalf of the Municipality.

1.16. “Naturalized Area” means a portion of a lot or yard containing vegetative growth which may or may not have been previously maintained, which has been allowed or deliberately maintained in such a way as to re-establish a reproducing population of native species, through natural regeneration and/or deliberate plantings, so that it emulates a natural area, but does not include an area of regularly mown grass.

1.17. “Normal Farm Practices” means normal farm practices as defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1.

1.18. “Order” means any written instruction or direction issued under Section 13.6 of this By-law by a Municipal Law Enforcement Officer to an owner of property or other person pursuant to Sections 444(1) and 445(1) of the *Municipal Act*, 2001.

1.19. “Owner”, when used with respect to land, includes a registered owner, occupant, tenant or person for the time being managing or receiving the rent from the land, whether on his or her own account or on account of an agent or trustee of any other person, or any one of the aforesaid.

1.20. “Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual.

1.21. “Refuse” means any article, thing, matter, substance or effluent that has been cast aside, discharged or abandoned, is discarded from its usual and intended use, or is used up, expended or worn out, in whole or in part, and shall include Waste, which does not cease to be refuse by reason that it may be commercially saleable or recyclable.

1.22. “Roadworthy”, when used with reference to a motor vehicle, means a motor vehicle that is licensed or is eligible to be licensed by virtue of a current valid Safety Standards Certificate having been issued for that vehicle.

1.23. “Sewage System” means:

(a) a municipal system of sanitary sewers; or

(b) a private sewage disposal system approved by the Municipality’s Chief Building Official or other responsible authority.

1.24. “Standing Water” means any water, other than a natural body of water that exists on a permanent basis or is contained within a municipally owned storm water management facility, that is found in liquid form either on the ground or in waste as defined in this By-law, but shall not include any of the following if maintained in good repair and working condition: a swimming pool, hot tub, wading pool or artificial pond.

1.25. “Storm Sewers” means a sewer that conveys storm sewage.

1.26. “Storm Water” means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation.

1.27. “Municipality” means The Corporation of the Municipality of Port Hope or the geographic area within the Municipality of Port Hope, as the context may require.

1.28. “Unlicensed Vehicle” means a motor vehicle that does not have a number plate displayed or does not have current validation of a vehicle permit affixed to the number plate, in the manner prescribed in the *Highway Traffic Act*.

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

(a) animal feces;

(b) broken or discarded material;

(c) disconnected appliances and parts of such appliances;

(d) firewood not stacked neatly;

(e) felled trees, tree stumps, branches, brush, leaves, bagged or piled grass and weeds, hedge cuttings and garden waste;

(f) indoor furniture;

(g) Domestic Waste;

(h) Industrial Waste;

(i) derelict machinery, derelict vehicles, parts of such machinery not packaged for immediate shipment, or parts of vehicles not packaged for immediate shipment and tires, whether mounted on rims or not;

(j) material resulting from construction, demolition, repair or renovation projects;

(k) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment; and

(l) waste wood or lumber.

1.30. “Weed(s)” means a noxious weed designated by or under the *Weed Control Act*, R.S.O. 1990, c.W.5, including a weed designated as a local or noxious weed under a by-law pursuant to that *Act*, and giant hogweed.

1.31. “Yard” means the land within the boundary lines of a property not occupied by a principal building, if any, and includes grounds or vacant land.

2. YARD AND PROPERTY MAINTENANCE – VEGETATION

2.1. Every owner of property shall keep the vegetation in every yard clean and cleared up.

2.2. For the purposes of Subsection 2.1, “clean and cleared up” shall mean:

(a) that weeds, whether dead or alive, have been removed from all turf grass areas and naturalized areas, and

(b) in turf grass areas, that the grass has been cut so that its height is maintained below 10 cm in height.

2.3. For the purposes of Subsection 2.2 (a), weeds shall be removed 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 were growing so as to bury or kill the weeds;

(d) in the cases of poison ivy and giant hogweed, 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.

2.4. Every owner of property shall ensure that:

(a) all lawns, shrubs, vines, hedges, bushes and vegetation other than weeds and turf grass are kept trimmed, and shall not be overgrown, unkempt and/or unsightly;

(b) vegetation other than weeds and turf grass is kept from becoming unreasonably overgrown in a fashion that may affect the safety, visibility or passage of the general public, wholly or partially conceal or interfere with the use of any hydrant or water valves, or constitute an obstruction of view for vehicular traffic;

(c) heavy undergrowth shall be eliminated from the yard so as to be consistent with the surrounding environment;

(d) a yard shall be cultivated or protected by ground cover which prevents the erosion of the soil; and

(e) a tree or other plant, or limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the land or otherwise pruned to remove the dead, diseased, decayed or damaged portions of the tree or plant, so as to prevent an unsafe condition or damage to any property.

2.5. Sections 2.2 (b), and 2.4 (a)(b)(c)(d) of this By-law are not applicable to that part of an Agricultural property where production of agricultural crops occurs.

3. YARD AND PROPERTY MAINTENANCE – WASTE

3.1. Every owner of property shall ensure that such land is:

(a) free and clear of all refuse and waste;

(b) free and clear of infestation;

(c) free and clear of any accumulations of wood, debris or other objects or materials that may create an unsafe or unsightly condition, or that may be deleterious to the neighbouring environment; and

(d) unlicensed or derelict vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a

salvage, wrecking or repair business and then only if such establishment conforms with any relevant By-laws, Chapters or statutes.

3.2. 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. Refuse shall be emptied regularly in accordance with the waste collection schedule established by the County of Northumberland .

3.3. Where the waste generated on a property is stored within an exterior bin or bulk storage container disposal system having a capacity of 6.5 cubic metres or less, the owner of the property shall ensure that the containers are:

(a) equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;

(b) large enough to contain all waste generated between collections by the occupants served; and

(c) not loaded beyond the tops of the container or bin.

3.4. Despite Subsection 3.1, inoperative agricultural machinery and inoperative agricultural vehicles may be kept in a yard on a farm, provided that the inoperative agricultural machinery or inoperative agricultural vehicles are placed or arranged so as not to create a safety or health hazard to persons on the property, and in particular so as not to block emergency access to or from the property, and provided further that:

(a) the inoperative agricultural machinery or inoperative agricultural vehicles are kept in an area screened from view from outside the property lines by a fence, wall or other solid structure including a hedge at least 2 metres high that complies with all other applicable by-laws and laws; and

(b) the inoperative agricultural machinery or inoperative agricultural vehicles are set back from the property lines by at least 100 metres unless such machinery or vehicles are temporarily not in use in accordance with normal farm practices.

3.5. No person shall deposit garbage, refuse or waste in the yard of any property within the Municipality.

3.6. Subsection 3.5 does not apply to those lands and properties on which the wrecking of motor vehicles is permitted by the Municipality’s applicable zoning by-law.

4. DUST

4.1. Every owner of property shall ensure that all yards on said property, including vacant lands, are maintained in such a manner as to prevent accumulations of dust or dirt from spreading to neighbouring properties.

5. LITTERING

5.1. No person shall throw, place or deposit any litter or waste on publicly or privately owned land.

5.2. No person shall throw, place or deposit any litter or waste on any highway within the Municipality.

6. COMPOSTING

6.1. All composting shall be carried out by the owner of land in accordance with the following requirements:

(a) composting is permitted only in the rear 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) a compost container or digester 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 1.5 cubic metres;

(e) for multiple residential dwellings containing more than six (6) dwelling units, compositing in a pile is prohibited;

(f) no feces shall be placed in a compost container, pile or digester used for composting;

(g) no offensive odour shall be permitted to emanate from the compost container, pile or digester used for composting;

(h) organic materials placed in a compost container shall be kept covered with yard waste, soil or humus;

(i) a compost container, pile or digester used for composting shall be located at least 60 centimetres from any lot line.

7. STANDING WATER

7.1. 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.

7.2. Every purification system for a swimming pool shall be maintained so that water in the pool is properly filtered and purified so as not to present a health hazard.

7.3. No owner of property shall permit standing water to remain in any yard on the property for a period in excess of three (3) days.

7.4. An owner of property shall take all necessary steps to remove or dispose of standing water located on the property when required by a Municipal Law Enforcement Officer. Such steps may include but are not limited to: draining or lot grading in accordance with the Municipality's Site Alteration By-law, 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.

8. SEWAGE

8.1. Every owner of property shall ensure that sewage or organic waste is discharged into a municipal sewage system where such a system exists; where a municipal sewage system does not exist, an owner of property shall ensure that sewage and organic waste is disposed of in a manner

acceptable to the local health authorities having jurisdiction over the disposal of waste.

8.2. No owner of property shall cause or permit sewage of any kind to be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

9. DRAINAGE

9.1. Every owner of property shall ensure that such property is graded and maintained to prevent ponding of water, the creation an unsafe condition, or harm to the environment. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede the natural flow of storm water.

9.2. Every owner of property 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.

9.3. Every owner of property shall ensure that adequate drainage is installed where there is recurring excessive ponding caused by surface water.

9.4. Every owner of property shall 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.

9.5. Every owner of property shall ensure that all roof drainage or storm water, swimming pool, hot tub or sump pump discharge from the property is:

(a) drained so as to prevent recurrent ponding or entrance of water into a basement or cellar;

(b) not discharged onto walkways, boulevards, stairs, or neighbouring lands; and

(c) if chlorinated or chemically treated, dechlorinated before being discharged to a storm sewer.

9.6. Every owner of property on which there is a private drain shall keep such drain operational and in good repair.

9.7. No owner of property shall obstruct or permit the obstruction of a private drain on such property, provided only that the subsequent connection of such property's private sewage system to the Municipality's sewage system is approved by the Municipality shall this be permitted..

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

10. PITS, EXCAVATIONS, ETC.

10.1. Every owner of property shall ensure that any well, cistern, cesspool, privy vault, pit or excavation on the property:

(a) in active use, is secured by a fence with warning signs;

(b) not in active use, is permanently sealed or secured by a fence, cover or other means.

11. GRAFFITI

11.1. No person shall place, or cause or permit graffiti to be placed on a Building.

11.2. The owner or occupant of a property shall keep every Building on the property free of graffiti.

12. SNOW AND ICE

12.1. Every owner of property 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).

13. ENFORCEMENT

13.1. This By-law shall be enforced by Municipal Law Enforcement Officers.

13.2. For the purpose of ensuring compliance with this By-law, a Municipal Law Enforcement Officer may at all reasonable times enter upon and inspect any land to determine whether or not the following are being complied with:

(a) this By-law; or

(b) a direction or Order made under this By-law.

13.3. A Municipal Law Enforcement Officer may, for the purposes of an inspection under Subsection 13.2:

(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 in writing or otherwise as required by the Municipal Law Enforcement Officer from any person concerning a matter related to the inspection; and/or

(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.

13.4. Applicable fees for administration and enforcement activities under this By-law shall be subject to the rates and fees set out in accordance with the Municipality of Port Hope's current Fees and Charges By-law.

13.5. No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

13.6. A Municipal Law Enforcement Officer may make an Order requiring an owner or other person, within the time specified in the Order, to:

(a) discontinue the contravening activity; and/or

(b) do work to correct the contravention.

Such Order shall be served on the said owner or other person by personal delivery, posting on the land where the contravention has occurred, or regular mail to the last known address of the said owner or other person.

13.7. An Order under Subsection 13.6 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;

(b) the work to be completed to rectify the contravention; and

(c) the date or dates by which the work must be completed.

13.8. Where an owner or other person has been issued an Order under Subsection 13.6 of this By-law:

(a) no person shall fail to obey such an Order; and

(b) where such an Order is contravened, the Municipal Law Enforcement Officer may, without notice to the owner, cause the work required to correct the contravention to be performed, including, without limitation, the removal and disposal of any item or items whose presence on the land contravenes this By-law, done at the expense of the owner or other person. Without limitation, the Municipal Law Enforcement Officer may retain such others to assist in completing the work as the Municipal Law Enforcement Officer determines appropriate to be done at the expense of such owner or other person. Any such work shall be performed in accordance with Section 13.

13.9. Where any item is removed from the land in accordance with Section 13, such item may be immediately disposed of by the Municipality.

13.10. Upon completion of the work to correct the contravention by or on behalf of the Municipality, the Municipality shall have a lien on the land for the amount spent on the work to correct the contravention, and the amount shall be deemed to be municipal property taxes and may be added to the tax roll and collected in the same manner and with the same priority as municipal property taxes.

13.11. Where more than one person owns land in respect of which the Municipality has incurred costs in accordance with this Section 13, each owner is jointly and severally liable to the Municipality for all such costs for the purposes of Subsection 13.10, including, without limitation, interest as per Municipality policy.

14. PENALTY

14.1. Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

14.2. If an Order has been issued under this By-law, and the Order had not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.

14.3. Every person who is guilty of an offence under this By-law shall be subject to the following penalties:

(a) upon a first conviction, shall be liable to a fine of not less than $250.00 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 $500.00 and not more than $100,000.00;

(c) upon conviction for a continuing offence, to a fine of not less than $500.00 and no more than $10,000.00 for each day or part of a day that the offence continues, the total of which may exceed $100,000.00;

(d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than $500.00 and not more than $10,000.00, the total of which not limited to $100,000.00.

14.4. For the purpose of this By-law, “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.

14.5. For the purpose of this By-law, an offence is 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.

14.6. When a person has been convicted of an offence under this By-law,

(a) the Ontario Court of Justice, or

(b) any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

14.7. No Person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

14.8. Every Person shall comply with any Notice or Order issued under the authority of this By-law.

15. SEVERABILITY

15.1. Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an Order to the contrary.

16. SCOPE AND INTERPRETATION

16.1. Where the provisions of this By-law conflict with the provisions of any other by- law in force in the Municipality, the provisions that establish the higher standard to protect the health, safety and welfare of the general public shall prevail.

16.2. 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 health, safety and welfare of the general public.

16.3. The Municipality deems standing water, litter, refuse, waste and debris on lands and unkempt yards a nuisance that could create a health and safety hazard for the public.

16.4. In a prosecution made for a contravention of this By-law, unless reasonably demonstrated by evidence to the contrary on a balance of probabilities, an owner of property or other person charged with an offence under this By-law shall be presumed to have contravened or caused or permitted a contravention of this By- law or an Order made under this By-law.

17. ENACTMENT

17.1. This By-law shall come into full force and effect on the day it is passed.

BYLAW READ AND PASSED in Open Council this 17th day of December, 2024.

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Olena Hankivsky, Mayor

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Shrishma Davé, Clerk