

Consolidated Clean Communities By-Law 073-22 Revision Date May 10, 2023

Amending By-Law	Date	Brief Description	Notes
051-23	May 10, 2023	Section 12.2 – Changes referencing “driveway” to “land”	

[Editor’s Note: Revoked provisions are indicated by a ~~strikethrough~~. Added provisions are indicated by underlining.]

This Office Consolidation is provided for convenience and ease of reference only. It comprises the By-Law and all amendments and modifications up to the last date noted above. The official version of the By-Law and all amending bylaws thereto are contained in the Clerk’s Department. Any reliance upon the Office Consolidation is done at the sole risk of the user. The Town does not verify the accuracy or completeness of the Office Consolidation and bears no responsibility or liability to any person or entity for any deficiencies, inaccuracies, errors, or omissions contained in the Office Consolidation. This Office Consolidation only reflects amendments that have come into force and effect as of the date of this Consolidation.

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THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW 073-22

A By-law of The Corporation of the Town of Innisfil to regulate and govern the standards for the maintenance and occupancy of property within the Town of Innisfil and to repeal By-law 034-18 and all amendments.

WHEREAS Section 11 of the *Municipal Act, 2001* provides that a municipality may pass by-laws;

AND WHEREAS Section 127 of the *Municipal Act, 2001* provides that a municipality may require the owner or occupant of the land to clean and clear the land;

AND WHEREAS Section 131 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate the use of any land for the storage of used motor vehicles;

AND WHEREAS Section 391 of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons;

AND WHEREAS Section 425 of the *Municipal Act, 2001* provides that a person who contravenes a by-law is guilty of an offence;

AND WHEREAS Section 429 of the *Municipal Act, 2001* provides that a municipality may establish fines;

AND WHEREAS Section 436 of the *Municipal Act, 2001* provides that a municipality may enter on land to inspect for compliance with a by-law or order;

AND WHEREAS Section 443 of the *Municipal Act, 2001* provides that if a municipality makes a loan to any person to pay for the cost of the person complying with a by-law, the municipality may collect the amount owing in the same manner as municipal taxes;

AND WHEREAS Section 444 of the *Municipal Act, 2001* provides that the municipality may make an order requiring the person who contravened the by-law to discontinue the contravening activity, or to do work to correct the contravention, per Section 445.

AND WHEREAS Section 445 of the *Municipal Act, 2001* provides that an order 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;

AND WHEREAS Section 446 of the *Municipal Act, 2001* provides that a municipality may take remedial action, enter upon land, recover costs, add costs to the tax roll, including interest;

NOW THEREFORE, the Council of The Corporation of the Town of Innisfil enacts as follows:

1. DEFINITIONS

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All words used in this By-law shall be interpreted as defined in this By-law. Where definitions are not provided herein, the words shall be defined as provided by the English Oxford Dictionary.

Debris means any garbage, waste, remains, broken pieces, discarded or abandoned material, as determined by an **officer**;

Dilapidated means in a state of disrepair, or no longer able to function, or having a worn out appearance, or no longer in **good working condition**, as determined by an **officer**;

Driveway means a private road leading from a public or private thoroughfare to

- a) a house,
- b) garage, or
- c) permanent **structure** designed to hold a vehicle;

Good working condition means in a state equivalent to its original state, or in the state as originally designed and intended, as determined by an **officer**;

Land(s) means privately owned grounds, yards, vacant and developed lots, and includes associated buildings and **structures**;

Landscape feature means fences, retaining walls less than 1 metre in height, gazebos, fountains, domestic fish ponds, bird baths, bird feeders, floral planters, statuary, trellises, found object art, and other decorative features;

Naturalized area means a defined area of native plant species deliberately cultivated and managed;

Non-permanent structure means a **structure** constructed of materials not prescribed in the Ontario Building Code, or a **structure** without a permanent floor or not on a permanent foundation;

Noxious weeds means any plant designated as a noxious weed by the *Weed Control Act, R.S.O. 1990*;

Officer means an appointed official of the municipality, or their designate, or any other person designated by Council as responsible for the enforcement of this By-law;

Owner means the registered title holder, property manager, receiver of rent, tenant, or occupant over the age of 18 years;

Structure means a grouping of materials constructed consisting of walls, a roof and a permanent foundation;

Unlicensed means not displaying a valid license plate, including a current validation sticker, if a validation sticker is required;

Vehicle means a thing used or designed for transporting people or goods, requiring a licence and/or insurance.

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2. GENERAL PROVISIONS

- 2.1 The general intent of this By-law is to set a standard of property maintenance to provide for protection of people, pride of ownership, caring of neighbourly relations, respect of the environment, preservation of property values, and a keeping of appearance compatible with nearby properties.
- 2.2 Town Council designates authority to the Chief Building Official, and his or her delegates, to administer and enforce this By-law.
- 2.3 Exemptions to the provisions shall be granted where zoning permits a related land use.
- 2.4 This By-law is not applicable to properties owned by Simcoe County, the Province of Ontario, or the Federal Government.
- 2.5 References in this By-law to any statute regulation, policy or guideline or any provision thereof includes such statute, regulation, policy or guideline or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor statute, regulation, policy or guideline thereto.

3. DEBRIS, EXCESS MATERIALS, DILAPIDATED MACHINERY

- 3.1 Every **owner** shall maintain their **land** to be clean and clear of all **debris**, garbage, waste, excess building materials and **dilapidated** machinery.
- 3.2 Every **owner** shall store **dilapidated** objects, materials, machinery, and any excess building materials in an enclosure meeting the requirements of this By-law, the Town's Zoning By-law and the *Building Code Act, 1992*, S.O. 1992, c.23.
- 3.3 Where machinery not in **good working condition** is still in use, the **owner** shall repair and restore the machinery to a **good working condition**.
- 3.4 Every **owner** shall store household waste in a container with a secure lid, and when placed curbside for scheduled pick-up, must be in accordance with the *County of Simcoe Waste Collection Guidelines*.
- 3.5 Every **owner** shall dispose of non-collectable waste at a Ministry approved landfill or recycling facility.
- 3.6 Every **owner** shall remove all pet waste from their **land** to prevent accumulation and odour.

4. DEFACEMENT

Every **owner** shall remove all objectionable markings, graffiti, stains or other defacement on their property to restore the surface to its appearance before the defacement occurred.

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5. FIREWOOD

- 5.1 No **owner** shall permit the storage of firewood in the front yard of a dwelling located in the Town’s settlement area, as defined in the Town’s Official Plan.
- 5.2 Every **owner** shall ensure the storage of firewood is contained in a pile, maintaining a setback of 1.2 metres from any property boundary.

6. GROUND COVER

- 6.1 Every **owner** shall cut and maintain the ground cover on their property to a maximum height of 20cm/8inches.
- 6.2 Every **owner** shall maintain all rooted ground cover to remain in a living state.
- 6.3 Exceptions to the maximum height of **ground cover** include areas zoned open space, environmental protection or agriculture, or **naturalized areas**, as defined in any of the Town’s zoning by-laws.
- 6.4 Every **owner** shall maintain their **land** to be clean and clear of **noxious weeds**.

7. HAZARDS – HEALTH, FIRE, ACCIDENT, PREJUDICE

Every **owner** shall keep their **land** clear of objects or conditions that may create a health, fire or accident hazard, as determined by an **officer**. Such hazards may include, but are not limited to:

- a) appliances or containers that could trap a child;
- b) diseased, decayed or damaged trees or limbs with the potential to fall onto people or permanent or **non-permanent structures**, or objects;
- c) objects, ground cover, plantings, **landscape features** that obstruct the view for vehicular traffic, or obstruct the view of hydrants or other public utilities;
- d) offensive or hate-based graffiti, or defacement;
- e) open excavations;
- f) smoldering ash waste;
- g) spills risking contamination of air or land;
- h) uncovered wells;
- i) unenclosed pools or unlocked hot tubs.

8. INFESTATION

Every **owner** shall maintain their **land** clean and clear of any condition allowing injurious insects, termites, rodents, vermin or other pests.

9. LANDSCAPE FEATURES

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- 9.1 Every **owner** shall maintain all **landscape features** on their **lands** such as to prevent the features from becoming **dilapidated**.
- 9.2 No **owner** shall permit water drained from swimming pools, hot tubs, wading pools and artificial ponds to drain or migrate onto adjacent properties.
- 9.3 No **owner** shall permit water in swimming pools, hot tubs, wading pools and artificial ponds to become stagnant, odorous or harbour insect infestation.

10. NON-PERMANENT STRUCTURES

Every **owner** is permitted a maximum of one (1) **non-permanent structure** per property, constructed in a manner in accordance with the accessory structure provision in the Town’s Zoning By-law.

11. RESIDENTIAL COMPOSTING

- 11.1 Every **owner** shall permit composting in the rear yard only of a dwelling, and maintain a setback of 1.2 metres from any property boundary.
- 11.2 Every **owner** must ensure no odours emanate, that no vermin is attracted, and that no infestation occurs as a result of composting on their **land**.
- 11.3 Every **owner** must ensure their composting methods adhere to the *County of Simcoe Backyard Composting Guidelines*.

12. VEHICLE STORAGE

- 12.1 Every **owner** shall park licensed motor **vehicles** on their **driveway** or in a **structure** meeting the construction requirements of the Ontario Building Code and the setbacks required by the Town’s Zoning By-law.
- 12.2 No **owner** shall park or store **unlicensed** or **dilapidated vehicles** on a ~~driveway~~ any land, unless in a structure meeting the construction requirements of the Ontario Building Code and the setbacks required by the Town’s Zoning By-Law.

[Amended by By-Law 051-23]

- 12.3 No **owner** shall use any **land**, other than that designated as a permitted land use per the Town’s Zoning By-law, for the storage of used motor **vehicles** for the purpose of wrecking, dismantling, or salvaging parts from them for sale or other disposition.

13. ENFORCEMENT

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- 13.1 An **officer** is authorized and empowered to enforce the provisions of this By-law.
- 13.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, an **officer** from carrying out inspections to ensure compliance with this By-law.
- 13.3 If there is a conflict between a provision of this By-law and a provision of any other Town By-law, the provision requiring the higher standard shall prevail.

14. Entry on lands

- 14.1 An **officer** has the power to enter upon any **land**, at any reasonable time, to carry out an inspection to determine if a contravention of this By-law is being committed.
- 14.2 An **officer** may be accompanied by such other person(s) as they deem necessary to carry out their duties.
- 14.3 An **officer** may make examinations and take tests, samples or photographs as the **officer** determines necessary for the purposes of the inspection.

15. NON-COMPLIANCE

Where a property is not maintained in accordance with the requirements of this By-law, the Town may serve the **owner** a Notice, Order to Discontinue Activity, or a Work Order in writing directing the **owner** to bring the property into conformance. (See “Schedule A Forms”)

16. ORDER SERVED

- 16.1 The Order to Discontinue Activity, or a Work Order from the Town may be served personally to the **owner** and is considered to be served at this time.
- 16.2 The Order to Discontinue Activity, or a Work Order from the Town may be sent by registered mail to the last known tax roll mailing address of the **owner** and is considered to be served on the fifth day after mailing.
- 16.3 The Order to Discontinue Activity, or a Work Order may be posted at the property to which the contravention applies.
- 16.4 The Order to Discontinue Activity, or a Work Order shall set out:
 - (a) a description of the contravention and the location of the **land** on which the contravention occurred; and
 - (b) the date by which there must be compliance, and if applicable, a description of the work to be done.

17. FAILURE TO COMPLY - Work Done by the Town

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Where an **owner**, having been served with a Work Order, fails to comply with the Work Order, an **officer** or the Town’s employees or agents authorized for this purpose may enter onto the **land** at a reasonable time and carry out any or all of the work described in the Work Order.

18. Recovery of costs

- 18.1** Where the Town, its employees or authorized agents, have performed the work required to bring a property into compliance with this By-law, all expenses incurred by the Town in doing the work, as well as any related administration fees, shall be recovered from the **owner**. In addition to any other remedies or actions available to the **Town**, the costs may be recovered from the **owner** and added to the tax roll for the property and collected in the same manner as taxes, including applicable interest after 30 days.
- 18.2** Where the Town incurs the cost of remediation, all direct labour and service costs, as well as an additional % as a cost recovery fee will be charged in accordance with the Town’s Fees & Charges By-law.

19. OFFENCES/PENALTIES

- 19.1** Any **owner** who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*.
- 19.2** No **owner** shall benefit financially from a contravention of this By-law.
- 19.3** Any **owner** guilty of an offence may be charged under the *Provincial Offences Act*, and is liable, upon conviction, to a maximum fine as set out in the *Provincial Offences Act*.
- 19.4** Every **owner** who fails to comply with a Work Order issued under this By-law shall be deemed to be committing a continuing offence for each day the offence remains in contravention, or for each day they fail to comply with the Work Order.
- 19.5** Each day that a breach of this By-law continues constitutes a separate offence.

20. VALIDITY/SEVERABILITY

If a court of competent jurisdiction should find any provision of this By-law to be invalid, such provision shall be deemed to be severed, and all other provisions shall remain in full force and effect.

21. REPEALS

By-law No. 034-18 and its amendments are hereby repealed.

Passed this 22nd day of June 2022.

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Lynn Dollin **Mayor**

Lee Parkin **Clerk**