

TOWNSHIP OF DUBREUILVILLE

ADMINISTRATIVE POLICIES AND PROCEDURES

Y-1

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| Section of Manual -Y- | Effective Date July 17, 2014 |
| Subject YARD MAINTENANCE AND/OR AESTHETICS | |
| Department Administration | Resolution No. 14-307 By-law No. 2014-38 |

Refer to attached By-law and Resolution.



By-Law No. 2014-38

Being a yard maintenance and/or aesthetics by-law for the Corporation of the Township of Dubreuilville.

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorizes the Corporation of the Township of Dubreuilville to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 10 (2) authorizes 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 127 of the *Municipal Act, 2001* authorizes the Corporation of the Township of Dubreuilville to require the owner or occupant of land to clean and clear the land, not including buildings, and to clear refuse or debris from the land, not including buildings; and

WHEREAS section 127 of the *Municipal Act, 2001* further authorizes the Corporation of the Township of Dubreuilville to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and

WHEREAS section 128 of the *Municipal Act, 2001* authorizes the Corporation of the Township of Dubreuilville to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Corporation of the Township of Dubreuilville's council, are or could become or cause public nuisances; and

WHEREAS section 425 of the *Municipal Act, 2001* authorizes the Corporation of the Township of Dubreuilville to pass by-laws providing that a person who contravenes a by-law of the Corporation of the Township of Dubreuilville passed under that Act is guilty of an offence; and

WHEREAS the *Municipal Act, 2001* further authorizes the Corporation of the Township of Dubreuilville, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

NOW THEREFORE, BE IT RESOLVED THAT the Corporation of the Township of Dubreuilville enacts as follows:

1. Definitions in this by-law:

“Chief Building Official” means the Chief Building Official (CBO) or any of his or her designates.

“Corporation” means the Corporation of the Township of Dubreuilville.

“Debris” includes refuse, waste, discarded materials or garbage of any kind whatsoever and including, but not limited to, whether of value or not:

- a) Accumulations of litter, remains, garbage, rubble, waste, construction material;
- b) Weighty or bulky items such as appliances, furnaces, furnace parts, pipes, pipe fittings, water or fuel tanks placed in a condition or location where they cannot or are not being used for their intended purposes;
- c) Paper, boxes, cartons;
- d) Dilapidated or abandoned furniture;
- e) Crockery, glass, cans, containers;
- f) Garden refuse and trimmings;
- g) Post-construction and demolition project materials;
- h) Domestic and industrial waste;
- i) Earth or rock fill;
- j) Mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes; or
- k) Clothing or other household linens lying in an unprotected condition.

“Parking” is the temporary storage of recreational vehicles for a continued period of time not exceeding 72 hours. Continuity of a single period shall not be considered broken or terminated unless the recreational vehicle involved shall have been removed from the property owner's premises for a period of at least 72 consecutive hours.

“Recreational equipment” is defined as equipment intended for outdoor recreational use including, but not limited to, snowmobiles, jet skis, all-terrain vehicles, canoes, boats, pop-up campers, and trailers for transporting such equipment.

“Recreational vehicle” is a single-axle or multiple-axle non self-propelled structure mounted on wheels or otherwise capable of being made mobile for the purpose of travel, recreational and vacation use including, but not limited to, travel trailers, mobile homes, motor homes, tent trailers, boats and boat trailers and horse trailers, and self-propelled motor homes or campers.

“Storage” is the placement of recreational vehicles or equipment at a given location within the Corporation of the Township of Dubreuilville for continuous period of time exceeding 72 hours.

2. Every yard, including vacant lots shall be kept clean and free from:
 - a. grass in excess of 20 cm or 8 in.
 - b. heavy undergrowth and excessive growth of weeds
 - c. dead, decaying or damaged trees or other natural growth, or branches or limbs that create an unsafe condition
 - d. debris that constitutes an unsafe condition
 - e. broken glass from any source including glass from windows, doors and vehicles
 - f. holes, pits, excavations or trenchès constituting an unsafe condition

- g. inoperative, wrecked or dismantled vehicles or other machinery or any part thereof, except in an establishment licensed or authorized to conduct and operate such a business
- h. dilapidated, collapsed or abandoned partially constructed structures
- i. dilapidated, collapsed or abandoned partially constructed fences
- j. abandoned or discarded appliance such as refrigerators, stoves and freezers
- k. post-construction or -demolition material resulting from, or as part of, construction or demolition projects

3. Front yard storage and parking

Far from being merely an annoyance, front yard storage or parking destroys landscaping and the general aesthetics. It affects neighbourhood pride and signals the beginning of economic decline.

- a. Domestic storage, such as firewood, building materials and garden equipment may be neatly stored in the rear yard, provided that,
 - i. such storage does not exceed 15 percent of the yard area in which it is stored;
 - ii. such storage shall be neatly piled and shall not constitute a hazard; and
 - iii. such storage shall not be stored in the side or front yards or be visible from the street.
- b. It is required to store or park recreational vehicles and equipment in your garage, carport, on the driveway or in the rear yard.
- c. No recreational vehicle or equipment shall be parked or stored in the front yard.
- d. A recreational vehicle's or equipment's wheels must be blocked at all times or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.
- e. Under no circumstances shall any recreational vehicle or equipment be stored or parked on any public street.
- f. No recreational vehicle or equipment shall be used permanently for dwelling or habitation purposes while parked or stored on any owner's property.

4. Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, deleterious to the neighboring environment, shall be removed.

5. Where a yard is in any of the aforementioned conditions, the Township shall notify the owner of the property in writing of the breach of a condition of this by-law.

- a. The owner or occupant shall have minimum of seven days to bring his or her yard into compliance with the provisions of this by-law.
 - i. The owner or occupant may request from the CBO an extension of time to achieve compliance
 - ii. The CBO may extend compliance for a reasonable time

- iii. The reasonable time for compliance shall be determined by the Chief Building Officer
2. After a reasonable time and in accordance with s. 436(1) and (2) of the *Municipal Act*, the Township may enter onto the property for the purpose of determining if compliance has been achieved.
 3. If, after an inspection under s.4 and after such a reasonable time as set out in s.4(a) has passed, the CBO determined that the property or any portion thereof remains in a non-compliant condition, the Township may enter the premise and perform the work necessary or authorize the entry and performance of the work. The work shall be done at the expense of the owner of the property and the cost of such work and any associated administrative fees shall be then due and payable to the Township that shall recover the expense in the same manner as municipal taxes.
 4. Without limiting s.5, the Township may, in conjunction with bringing the yard into compliance with this by-law, proceed with prosecution of the owner for breach of the terms of this by-law.
 5. Every person who contravenes any provision of this by-law is guilty of an offence and liable to a fine as provided for in the s.61 of the *Provincial Offences Act* R.S.O. 1990 c.P.33.
 6. That this By-law shall come into force and take effect upon its reading and being passed.

PASSED this 17 day of July 2014.



MAYOR



CAO-CLERK

COUNCIL RESOLUTION



Moved By: Bew.

DATE: July 17, 2014

Seconded By: Roger

Resolution No. 14-307

By-Law No. 2014-38, being a yard maintenance and/or aesthetics by-law for the Corporation of the Township of Dubreuilville, be adopted *with minor changes.*

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| <hr/> Carried | <hr/> Defeated | <hr/> Deferred |
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| RECORDED VOTE: | YES | NO |
|----------------------------------|-------|-------|
| Councillor Beverly Nantel | _____ | _____ |
| Councillor Roger Lord | _____ | _____ |
| Councillor Luc Lévesque | _____ | _____ |
| Councillor Mike Poliquin | _____ | _____ |
| Mayor Louise Perrier | _____ | _____ |

Declaration of Pecuniary Interest and General Nature Thereof: