

## By-law 18-2025

### THE CORPORATION OF THE MUNICIPALITY OF WEST PERTH

#### **Being a By-law Respecting the Cleaning up of Yards and Property Maintenance within the Municipality of West Perth and to Repeal By-laws 021-2003, 022-2003 and 68-2005**

**Whereas** s.8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (hereinafter called "the Act") permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular clauses 5, 6, and 8 of s.11(2) authorizes by-laws respecting the economic, social and environmental well-being of the municipality, the health and safety and well-being of persons and the protection of persons and property; and

**Whereas** s.11(3)(1) of the Act provides that a municipality may pass by-laws respecting highways including parking and traffic on highways; and

**Whereas** s.23.1 of the Act authorizes a municipality to delegate its powers and duties; and

**Whereas** s.44(9) of the Act states that, except in a case of gross negligence, a municipality is not liable for personal injury caused by snow and ice on a highways; and

**Whereas** s.122 of the Act provides that a municipality may require the owners or occupants of buildings to remove snow and ice from roofs of the buildings, and may regulate when and how the removal shall be undertaken; and

**Whereas** s.127 of the Act permits a municipality to pass By-laws requiring an owner or occupants 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 occupants of the land; and for defining "refuse"; and

**Whereas** s.128 of the Act permits a municipality to pass By-laws to prohibit and regulate with respect to public nuisance, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

**Whereas** s.129 of the Act permits a municipality to pass By-laws to prohibit and regulate with respect to odour, dust and outdoor illumining including indoor lighting that can be seen from outdoors; and

**Whereas** s.131 of the Act permits a municipality to pass By-laws to prohibit and regulate the use of any land for storage or used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition; and

**Whereas** s.391 of the Act authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

**Whereas** s.425 of the Act, authorizes a municipality to pass By-laws providing that a person who contravenes a By-law of the municipality is guilty of an Offence; and

**Whereas** s.436 of the Act, provides that the municipality has the power to pass By-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with the By-law, direction, order or condition of a licence; and

**Whereas** s.444(1) of the Act, authorizes the municipality to make orders if a municipality is satisfied that a contravention of a By-law of the municipality passed under the Act has occurred, 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** s.445(1) of the Act, provides that if a municipality is satisfied that a contravention of a By-law of the municipality passed under the Act has occurred, the municipality may make an order requiring the person who contravened the By-law or caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

**Whereas** s.446 of the Act, authorizes the municipality through a By-law to require, in default of required matter or thing being done, that the work may be done by the municipality at the expense of the person required to do it and the cost may be added to the tax rolls and collected in the same manner as taxes; and

**Now therefore** be it resolved that the Council of the Corporation of the Municipality of West Perth enacts as follows:

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## PART I – TITLE, INTERPRETATION & SEVERABILITY

1. This By-law may be cited as the “Tidy Yards By-law”.
2. This By-law shall apply throughout the whole of the Municipality of West Perth, hereinafter called “the Municipality”.
3. For the purpose of this By-law:
  - a) 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 purpose of the quality of communities and/or neighbourhoods, to protect the health, safety and well-being of the public, and to ensure the continued enjoyment of property for residents and owners of the Municipality.
  - b) Council and the Municipality deem graffiti, standing water, loose rubbish and debris on lands and unkept property a nuisance.
  - c) This By-law does not apply so far as to prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.
4. Where there is a conflict between a provision of this By-law and a provision in any other By-law of the Municipality, it shall be at the discretion of the Officer to determine which By-law shall apply. Any provincial or federal legislation or regulation that imposes a higher standard shall supersede this By-law.
5. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

## PART II – DEFINITIONS

### 6. Definitions

**Buffer Strip** shall mean a one (1) meter wide strip immediately adjacent to all Property lines of a residentially used Property, on which the ground cover shall be maintained at a height of no more than 20.32 centimetres (8 inches);

**By-law** shall mean this “Tidy Yards By-law”;

**Boulevard** shall mean that portion of every road allowance within the limits of the Municipality which is not used as a Sidewalk, driveway access, traveled roadway or shoulder;

**Clerk** shall mean the Clerk for the Municipality, or any person designated by the Clerk;

**Costs** shall mean all monetary expenses incurred by the Municipality during and throughout the process of any Remedial Work, including interest, and may include additional fees as determined by the Municipality’s Fees and Charges By-law, as may be amended from time to time;

**Council** shall mean the Council of The Corporation of the Municipality of West Perth;

**Commercial Motor Vehicle** shall mean any motor vehicle, exceeding 6 metres in length, capable of or having attached thereto a truck or delivery body or Trailer and without limiting the generality of the foregoing includes transport truck tractors and/or Trailers, delivery vans, hearses, buses, farm tractors and/or Trailers used for hauling, and delivery trucks, but

excludes travel trailers and motor homes as defined in the most current Zoning By-law;

**Composting** shall mean the biological degrading or breakdown of organic material into a dark soil-like material called humus;

**Derelict Motor Vehicle** shall mean a vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes Motor Vehicles not licensed for the current year;

**Dwelling Unit or Dwelling** shall mean one or more habitable rooms occupied or capable of being occupied on a permanent basis by one or more persons as an independent and separate housekeeping unit in which kitchen and sanitary facilities and sleeping accommodation are provided for the exclusive use of such Person or Persons;

**Fill** shall mean any type of material capable of being removed from or deposited on lands, such as soil, stone, sod, turf, concrete, and asphalt either singly or in combination;

**Graffiti** shall mean writing, drawing, or symbols applied to any surface, and includes scribbles, scratches and slash or sprayed illicitly on a wall or other surface. Graffiti ranges from simple written words to elaborate wall paintings;

**Highway** shall mean a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance, a street, as may also be defined in the in the Act and/or in the Highway Traffic Act, R.S.O. 1990, c. H.8;

**Infestation** shall mean the overrunning of a Property by vermin, rodents, and/or insects;

**Medical Officer of Health** shall mean the Medical Officer of Health for Huron and Perth counties;

**Motor Vehicle** shall mean an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine as may also be defined in the Highway Traffic Act, R.S.O. 1990, c. H.8;

**Municipal Law Enforcement Officer** (or "MLEO") shall mean a Person appointed by the Municipality to enforce the By-laws;

**Municipality** shall mean the Corporation of the Municipality of West Perth;

**Naturalized Garden** shall mean a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses, or combinations thereof, consistent with a managed and natural landscape;

**Offence** shall mean an offence under an Act of the Legislature under a regulation or By-law made under the authority of an Act of the Legislature;

**Officer** shall mean a Municipal Law Enforcement Officer, police officer, or other Person appointed by the Municipality to enforce the provisions of this By-law;

**Official Plan** shall mean the Official Plan for the Municipality and the County of Perth, as may be amended from time to time;

**Owner or Owners** shall mean the Person or Persons who is the registered Owner of a Property and the Person for the time being, managing or receiving the rent of 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 land or premises were let;

**Perimeter Strip** shall mean a ten (10) meter wide strip immediately adjacent to all Property lines of any Property (other than a residentially used Property), on which the ground cover shall be maintained a height of no more than 20.32 centimetres (8 inches);

**Person** shall include an individual, association, organization, firm, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in their capacity as a trustee, executor, administrator, or other legal representative;

**Property** shall mean a parcel of land which is capable of being legally conveyed as a separate parcel pursuant to the provisions of the Planning Act, or is described in accordance with a registered Plan of Condominium;

**Public Nuisance** shall mean an activity or activities, intentional or negligent in origin, which have a detrimental impact on the use and enjoyment of properties in the vicinity of the said Property and for the purposes of this By-law, includes odour, graffiti, dust, cargo containers and illumination;

**Recreational Vehicle** shall mean a specifically designed vehicle used for recreation purposes, whether or not it is required to be licensed, including an all-terrain vehicle, a snowmobile, a camper, a motorhome, a boat or Trailer;

**Refuse** shall mean 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, recycled 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;
- 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) Derelict 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 product or minerals, 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 products 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;

**Remedial Work** shall mean all work necessary for the correction or elimination of a contravention of this By-law as cited in any Order issued under this By-law, including any such condition or health hazard, actually or potentially, that the contravention may pose;

**Set Fine** shall mean the amount of a fine set by the Chief Justice of the Ontario Court of Justice for an Offence for the purpose of proceedings commenced under Part I or Part II of the Provincial Offences Act, 1990, R.S.O. 1990, c. P.33, as amended;

**Settlement Area** shall mean urban areas, community areas and hamlet areas within the Municipality (such as cities, towns, villages and hamlets) that are: (a) Built up areas where development is concentrated and which have a mix of land uses; and (b) Lands which have been designated in the Official Plan for development over the long-term planning horizon, as defined in the County of Perth Official Plan, as may be amended from time to time;

**Sewage** shall mean a liquid or water borne Waste, of industrial or commercial origin, or of domestic origin, including human body Waste, toilet or other bathroom Waste, and shower, tub, culinary, sink and laundry Waste, or liquid or water borne Waste discharged from a pool to a drain. 'Grey Water' means sanitary sewage of domestic origin that is derived from fixtures other than sanitary units;

**Sidewalk** shall mean a Municipal or County Sidewalk located on the Boulevard;

**Standing Water** shall mean any water, other than a natural body of water that exists on a permanent basis that is found on the ground;

**Trailer** shall mean a vehicle that is at any time drawn upon a Highway by a Motor Vehicle except an implement of husbandry, another vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such Highway and accept a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of a Motor Vehicle by which it is drawn;

**Use** shall mean the purpose for which a Property, building, or structure, or combination thereof, is designed, arranged, or occupied in accordance with the Zoning By-law;

**Waste** shall mean any Waste of any kind whatsoever and without limiting the generality of the foregoing includes: rubbish and debris, Refuse, Sewage, effluent, garbage, or litter of any type including household Waste;

**Weed(s)** shall mean a noxious Weed designated under the Weed Control Act, R.S.O. 1990, C.W.5, including any Weed designated as a local or noxious Weed under a By-law;

**Yard** shall mean an open, uncovered space on a lot, appurtenant to a main building and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining Yard measurements, the minimum horizontal distance from the respective lot lines shall be used; and

- a) **Exterior Side Yard** shall mean the Side Yard of a corner lot which Side Yard extends from the Front Yard to the Rear Yard between the street line and the nearest wall of any building or structure. The minimum exterior Yard means the minimum depth of the Exterior Side Yard on a lot between an exterior side lot line and the nearest wall of any building or structure on the lot;
- b) **Front Yard** shall mean a Yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot. The minimum Front Yard means the minimum depth of a Front Yard on a lot between the front lot line and the nearest wall of any building or structure on the lot;
- c) **Rear Yard** shall mean a Yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot. The minimum Rear Yard means the minimum depth of a Rear Yard on a lot between the rear lot

line and the nearest wall of any building or structure on the lot;

**Zoning By-law** shall mean a By-law passed by Council under the authority of the Planning Act.

## **PART III – STANDARDS FOR ALL PROPERTIES**

### **7. Standards for All Properties**

#### **Property Maintenance**

7.1. Every Person shall keep Property free of Refuse.

#### **Landscaping**

7.2. Every Owner shall keep suitable ground cover as to prevent erosion of the soil.

7.3. Every Owner shall keep grass, where it forms a part of the ground cover, in a living condition.

7.4. Every Owner shall keep grass, where it forms a part of the ground cover, maintained at a height of no more than 20.32 centimetres (8 inches) in length.

#### **Naturalized Garden, Trees, Plants, Vegetation**

7.5. Notwithstanding Section 7.4, where a Naturalized Garden forms a part of the ground cover, every Owner shall keep it in a living condition.

7.6. Notwithstanding Section 7.4, where a residentially used Property abuts another residentially used Property or Highway, and where a Naturalized Garden forms a part of the ground cover, every Owner shall keep a **Buffer Strip** maintained at a height of no more than 20.32 centimetres (8 inches) in length.

7.7. Notwithstanding Section 7.4, where a Property other than that described in Section 7.6 abuts an occupied Property or Highway, and where a Naturalized Garden forms a part of the ground cover, every Owner shall keep a **Perimeter Strip** maintained at a height of no more than 20.32 centimetres (8 inches) in length.

7.8. No Owner shall keep vegetation on their Property in an overgrown manner or in a manner that may affect safety, visibility, or passage of the general public.

7.9. Every Owner shall keep their Property free from Weeds, heavy growth, dead or dying trees, tree branches or shrubs.

7.10. No Owner shall plant, grow, maintain or permit on their Property, a hedge, shrub, plant or tree which:

- a) Interferes with the safety of the public;
- b) Affects the safety of vehicular or pedestrian traffic;
- c) Wholly or partially obstructs, conceals or interferes with the use of any hydrant or water valve or other utility;
- d) Constitutes an obstruction of view for vehicular or pedestrian traffic; or
- e) Encroaches on a Sidewalk or Highway.

#### **Dirt Piles and Unleveled Fill**

7.11. No Owner shall keep their Property ungraded, including unleveled Fill for more than fourteen (14) days or Fill material in an uncovered state (meaning not covered by sod or

seed) for more than thirty (30) days, unless the Property is:

- a) A Property considered an agricultural operation in accordance with Section 3(c) of this By-law;
- b) A construction site for which a building permit and/or a site alteration permit is in effect;
- c) A Property being developed under a subdivision agreement or site plan agreement with the Municipality;
- d) A Property on which material is being stored with the approval of the Municipality or County or Province in connection with a public works contract.

7.12. Notwithstanding Section 7.11, any Fill or Fill material placed or levelled must be done to the satisfaction of the MLEO.

### **Waste**

7.13. Every Owner shall:

- a) Keep their Property free from all Refuse, debris, rubbish, or Waste of any kind, including object that may create a health, fire or accident hazard;
- b) Keep their Property free and clear of Infestation;
- c) Keep Refuse, debris, rubbish, or Waste stored in receptacles and removed in a timely manner.

### **Garbage, Refuse and Disposal**

7.14. Every Owner shall keep household Waste stored in well maintained, rigid, watertight containers while stored outdoors. Household Waste shall not be stored in the Front Yard of a Property where the Property has a garage, Side Yard or designated storage facility. Household Waste may be placed in the Front Yard in accordance with the Municipal garbage collection regular pick-up schedule.

7.15. Every Owner shall remove all locks and doors from an ice-box, refrigerator, freezer or other container prior to placing the said container in an exterior Yard area.

7.16. Every Owner shall keep materials of a flammable nature, if they are lawfully on the Property, safely stored.

7.17. Waste containers on a non-residential Property shall be placed in a prominent position for the disposal of Waste by customers and others. Lands surrounding the Waste containers shall be kept free of such Waste.

7.18. Every Owner shall keep outdoor storage on a non-residential Property:

- a) In a Litter free condition; and
- b) Screened, if less than sixty (60)metres (195.85 feet) from a Highway, Sidewalk, path, park or Dwelling Unit.

7.19. Every Owner shall keep a balcony, porch, deck or landing free from accumulation of Refuse or Waste or in a condition that may create a health, fire or accident hazard.

7.20. Every Owner shall keep a Waste (garbage) chute, disposal room or area or receptacle in a clean, disinfected or odour free condition.

### **Litter, Grass Clippings & Snow/Ice**

7.21. No Person shall throw, place or deposit Refuse, Waste, debris or rubbish, leaves, grass clippings, dirt, snow or ice of any kind on any Property unless authorized by the Owner.

- 7.22. No Person shall throw, place or deposit Refuse, Waste, debris or rubbish, leaves, grass clippings, dirt, snow or ice on any Highway, Sidewalk or Property owned by the Municipality, unless authorized by the Municipality.

### **Holes, Pits & Open Wells**

- 7.23. Every Owner shall keep:
- a) Their Property free of holes or excavations in a manner that may create a health or accident hazard;
  - b) An excavation or other declivity, pit or hole on their Property enclosed with a fence;
  - c) An open well on their Property enclosed with a proper fitting lid;
  - d) An abandoned or unused well or septic tank safely filled in, covered and protected.

### **Derelict Motor Vehicles and Trailers**

- 7.24. No Owner shall use any Property for the parking, storage, keeping or placement of:
- a) Derelict Motor Vehicles or Motor Vehicles that are unfit to be operated on a Highway due to damage or poor repair;
  - b) Motor Vehicles that are not currently licensed for operation under the provisions of the Highway Traffic Act;
  - c) Motor Vehicles parts or components unless they are expressly permitted; and
  - d) Wrecked, dismantled, discarded, inoperative, or abandoned Motor Vehicles, machinery, Trailers or boats.
- 7.25. Any vehicle, including without limitation of the generality of the foregoing, Trailer, tractor, farm implement, truck camper, camper, boat, motorcycle, or remnants of part or parts thereof or mechanical equipment, which is in a wrecked, discarded, dismantled or inoperative condition vehicle or Trailer that does not properly display thereon a valid and current licence plate or marker thereof, shall, for the purpose of this By-law be deemed to be discarded, inoperative or abandoned.
- 7.26. In the case of farm machinery or equipment on Property where the Use of keeping of the same is permitted in accordance with the Zoning By-law, all such vehicles or equipment shall be parked and stored in a neat and orderly manner.

### **Cargo Containers**

- 7.27 The location and/or use of a cargo container as a structure or for outside storage shall only be permitted in the following zones:
- a. Agricultural (A)
  - b. Highway Commercial;
  - c. Rural Commercial;
  - e. General Industrial/ Inside Storage;
  - f. General Industrial/ Outside Storage; and,
- 7.28 Cargo containers located in the above zones must be used for storage accessory to a main use subject to the requirements for accessory buildings found in the West Perth Zoning By-law.
- 7.29 Section 7.27 shall not prevent the keeping of a Cargo Container for up to thirty (30) days after the sale of a Property or in support of an active construction project, provided that:
- a) It will not cause risk the health or safety of another Person;
  - b) It will be maintained in a manner as not to emit an odour or attract an Infestation;
  - c) It will be removed immediately following completion of the construction project.

### **Parking Lot Maintenance, Paved Areas, Snow/Ice Removal from Roofs and Sidewalks**

- 7.30. Every Owner shall keep steps, walks, driveways, parking spaces and similar areas in good repair so as to provide safe passage there along.
- 7.31. Every Owner shall remove, from the roof(s) and eave(s) of every building on their Property, any snow or ice that could pose a health and safety hazard to Persons or Property below, in the normal use of entrances, Highways, Sidewalks, walkways, driveways or parking areas adjacent to such building(s).
- 7.32. Every Owner removing snow or ice from roof(s) or eave(s) of their building shall take sufficient care while removing the snow or ice, to protect the safety of adjacent pedestrian and vehicle traffic.

### **Composting**

- 7.33. Every Owner shall keep composting material:
- a) In a Rear Yard of a Dwelling;
  - b) In a container or digester;
  - c) Covered tightly, except when being emptied or filled;
  - d) In a manner to deter Infestation;
  - e) Set back less than 1.2 metres (3.93 feet) from any Property line;
  - f) In a composting structure/enclosure no larger than 1.0 square metres and 1.2 metres (3.93 feet) in height, enclosed on all sides by concrete blocks or lumber, in a forty-five (45) gallon container, a metal frame building with concrete floor, or a commercial plastic enclosed container designed for composting.
- 7.34. No Owner shall keep a compost container, pile or digester used for composting in a manner where an offensive odour is permitted to emanate.
- 7.35. Section 7.34 and 7.35 shall not apply to a Property if composting is necessary to the operation of a permitted Use lawfully situated on the Property pursuant to the Zoning By-law.

### **Dust**

- 7.36. Every Owner shall keep their Property in a manner as to prevent accumulations of dust or dirt from spreading to surrounding Properties.
- 7.37. Section 7.37 shall not apply to agricultural operation if the dust or dirt is necessary in the operation of a permitted "use" lawfully situated on the Property pursuant to the Zoning By-law (See Section 3(c))

### **Light**

- 7.38. No Owner shall allow an outdoor light to shine directly into the living or sleeping area of an adjacent Dwelling.
- 7.39. No Owner shall cause or permit light to be broadcast directly from their Property onto another Property.
- 7.40. An outdoor light shall not constitute a violation under Section 7.39 or 7.40 if the Owner or occupier of the Property shields the light from shining directly at the living or sleeping areas of the adjacent Dwelling.

### **Graffiti**

- 7.41. Every Owner shall keep their Property free of Graffiti.
- 7.42. No Owner shall allow, permit or cause Graffiti to be placed on any Property within the Municipality.

#### **Standing Water, Swimming Pools & Ponds**

- 7.43. No Owner shall allow Standing Water on their Property for a period in excess of three (3) days, including but not limited to on the ground, in Waste, debris accessory structures or Property.
- 7.44. Every Owner shall keep a swimming pool, hot tub, wading pool or artificial pond free from Standing Water, in working condition and in good repair.
- 7.45. Any Owner of Property where a natural pond or marsh exists, when ordered by the Medical Officer of Health, shall take steps to remedy any significant medical hazards identified by the Medical Officer of Health. Not limiting the foregoing, steps to remedy the situation may include the filling or draining of the body of water or the treatment of the body of water with a larvicide.

#### **Sewage**

- 7.46. No Owner shall discharge or permit the discharge of Sewage onto the surface of the Property whether into a natural or artificial surface drainage system.

#### **Drainage on Private Property**

- 7.47. Every Owner shall keep all storm water, run-off from downspouts and impervious surfaces, contained within the limits of the Property until absorbed by the soil or drained to a swale, watercourse or storm sewer.
- 7.48. Every Owner shall keep all storm water, including roof drainage, drained in a manner so as to prevent recurrent or excessive ponding or entrance of the storm water to a basement or cellar.
- 7.49. No Owner shall permit roof drainage from being discharged directly onto Highways, Sidewalks, stairs or onto an adjacent Property.
- 7.50. Every Owner shall keep catch basin and storm drains installed on their Property in good repair and free from conditions that would impede the natural flow of water.
- 7.51. No Owner shall obstruct or permit the obstruction of a watercourse on their Property.
- 7.52. Every Owner shall ensure that adequate drainage is installed on their Property.
- 7.53. No Owner shall fill, grade, re-grade or alter their Property in a way that changes existing surface drainage patterns or creates additional storm water run-off to any adjacent Property.
- 7.54. No Owner shall discharge any swimming pool, hot tub or sump pump onto Highways, Sidewalks, or adjacent Properties.

#### **Boulevards**

- 7.55. Every Owner shall keep Boulevards adjacent to their Property:
- a) Free from ground cover at a height of no more than 20.32 centimetres (8 inches) and Weeds;
  - b) Free from hazardous objects or materials;
  - c) Free from excrement;

d) Free from Refuse and Waste or other debris.

7.56. Section 7.52 does not apply to the Owner of a Property located outside of a Settlement Area, as defined in the Official Plan.

## **PART VI – ENFORCEMENT**

### **8. Authority**

- 8.1. This By-law shall be administered by the Clerk, or any such Person appointed by the Municipality for that purpose.
- 8.2. This By-law may be enforced by a Municipal Law Enforcement Officer (MLEO), or any other Person appointed by the Municipality for that purpose.
- 8.3. The Municipality may, at any time, request the assistance of a Person possessing special or expert knowledge to enforce any part of this By-law.
- 8.4. An Officer shall determine what shall constitute a health, fire or safety hazard.
- 8.5. In the case of a health, fire or safety hazard, an Officer may compel that said hazard be removed forthwith without the Order described in Section 9.1 of this By-law.
- 8.6. An Officer may enter on land at any reasonable time for the purpose of enforcing this By-law and any Order or condition imposed under the authority of this By-law.
- 8.7. With regard to inspections being conducted on agricultural lands where biosecurity measures are in effect and the lands are posted as such, an Officer shall follow accepted provincial guidelines for conducting inspections on lands with active livestock operations, and
  - a) All such inspections will be conducted as the last scheduled inspection of the working day and only one such inspection will be conducted per working day; and
  - b) All such inspections shall be conducted in the company of the owner/operator of the livestock operation or his/her designate.
- 8.8. For the purpose of enforcing this By-law, a MLEO may, alone or in conjunction with a Person possessing special or expert knowledge:
  - a) Require the production of documents or things relevant to an inspection;
  - b) Inspect and remove documents or things relevant to an inspection for the purpose of making copies;
  - c) Require information from any Person concerning a matter related to an inspection; and
  - d) Make examinations, take tests or samples or photographs necessary for the purpose of the inspection.

### **9. Orders**

- 9.1. Where the Municipality is satisfied that a contravention of this By-law has occurred, the Municipality may make an Order requiring the Person who contravened this By-law, or caused or permitted the contravention, or Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity or to do work to correct the contravention.

- 9.2. An order under this By-law 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; and
  - c) The work to be done and the date by which the work must be done.
- 9.3. Any Person who contravenes an order under Section 9.2 of this By-law is guilty of an Offence.
- 9.4. If a Person fails to do a matter or thing, including comply with an order under this By-law, as directed or required by this By-law, the Municipality may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense. The Municipality may recover the cost of doing a matter or thing 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 matter as municipal taxes.

## **10. Service of Orders, Notice and Decisions**

- 10.1. An order, notice of decision under this By-law shall be served personally or by registered mail. A copy of the order, notice or decision may also be:
- a) Emailed to the last known email address of the Person to whom the order, notice or decision is directed;
  - b) Deposited in a mailbox or mail slot of the Person to whom the order, notice or decision is directed;
  - c) Sent by pre-paid regular mail to the last known address of the Person to whom the order, notice or decision is directed.
- 10.2. Where service is made by:
- a) Registered mail, it shall be deemed to be made on the second (2<sup>nd</sup>) day after the date of mailing;
  - b) Personal service shall be deemed to be made on the day the order, notice or decision served was delivered.

## **11. General Offence Provisions**

- 11.1. 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.
- 11.2. 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 under this By-law.
- 11.3. Every Person shall comply with any order or notice issued under the authority of this By-law.

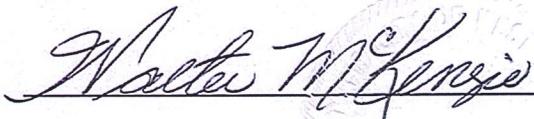
## **12. General Penalty Provision**

- 12.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provinces Offences Act, 1990*, as amended.

- 12.2. Each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the Act, as amended.
- 12.3. This By-law shall come into full force and effect upon approval of the set fine schedule hereto attached as Schedule "A" of this By-law, and will repeal and replace By-laws 021-2003, 022-2003 and 68-2005.

Read a first and second time this 22<sup>nd</sup> day of April 2025.

Read a third and final time and finally passed this 22<sup>nd</sup> day of April 2025.

  
\_\_\_\_\_  
Mayor Walter McKenzie

  
\_\_\_\_\_  
Clerk James Hutson

**Schedule "A"**  
**Municipality of West Perth**  
**Part I Provincial Offences Act**  
**By-law 18-2025: Tidy Yards By-law**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1	Fail to keep Property free of Refuse	Section 7.1	\$ 300.00
2	Fail to keep suitable ground cover	Section 7.2	\$ 200.00
3	Fail to keep grass in a living condition	Section 7.3	\$ 200.00
4	Fail to keep grass at a height of no more than 20.32 centimetres (8 inches)	Section 7.4	\$ 200.00
5	Fail to keep Naturalized Garden in a living condition	Section 7.5	\$ 200.00
6	Fail to maintain Naturalized Garden on a Buffer Strip at a height of no more than 20.32 cm (8 inches) in length	Section 7.6	\$ 200.00
7	Fail to maintain Naturalized Garden on a Perimeter Strip at a height of 20.32 cm (8 inches) in length	Section 7.7	\$ 200.00
8	Keep overgrown vegetation	Section 7.8	\$ 200.00
9	Fail to keep Property free from Weeds, dead trees, tree branches or shrubs	Section 7.9	\$ 200.00
10	Allow a tree, shrub or hedge to interfere with public safety	Section 7.10 a)	\$ 300.00
11	Allow a tree, shrub or hedge to affect safety of vehicular or pedestrian traffic	Section 7.10 b)	\$ 300.00
12	Allow a tree, shrub or hedge to obstruct a hydrant, water valve or utility	Section 7.10 c)	\$ 300.00
13	Allow a tree, shrub or hedge to obstruct view for vehicular traffic	Section 7.10 d)	\$ 300.00
14	Allow a tree, shrub or hedge to encroach on a Sidewalk or Highway	Section 7.10 e)	\$ 200.00
15	Fail to keep Property ungraded for more than 14 days	Section 7.11	\$ 200.00
16	Fail to keep Property in an uncovered state for more than 30 days	Section 7.11	\$ 200.00
17	Fail to keep Property free of Infestation	Section 7.13 b)	\$ 200.00
18	Fail to keep Refuse stored in receptacles	Section 7.13 c)	\$ 200.00
19	Allow household Waste to be stored in the Front Yard, Side Yard or storage facility	Section 7.14	\$ 200.00
20	Fail to remove locks and doors from refrigerator or freezer	Section 7.15	\$ 200.00
21	Fail to keep flammable materials safely stored	Section 7.16	\$ 200.00

22	Fail to keep outdoor storage at a non-residential Property free from Litter	Section 7.18 a)	\$ 300.00
23	Fail to keep outdoor storage at a non-residential Property screened	Section 7.18 b)	\$ 200.00
24	Fail to keep balcony, porch or deck free of Refuse	Section 7.19	\$ 200.00
25	Fail to keep Waste chute, disposal room or area clean	Section 7.20	\$ 200.00
26	Throw, place or deposit Refuse on any Property	Section 7.21	\$ 300.00
27	Throw place or deposit leaves, grass, dirt, snow or ice on a Highway or Sidewalk	Section 7.22	\$ 300.00
28	Fail to keep Property free of holes or excavations	Section 7.23 a)	\$ 300.00
29	Fail to keep a hole or excavation fenced	Section 7.23 b)	\$ 300.00
30	Fail to keep a lid on an open well	Section 7.23 c)	\$ 300.00
31	Fail to keep unused well or septic tank safely filled	Section 7.23 d)	\$ 300.00
32	Store Derelict Motor Vehicles on a Property	Section 7.24 a)	\$ 300.00
33	Store Unlicensed Motor Vehicles on a Property	Section 7.24 b)	\$ 300.00
34	Store Motor Vehicle parts/components on a Property	Section 7.24 c)	\$ 300.00
35	Store wrecked, dismantled, discarded, inoperative, abandoned vehicle/machinery/Trailer/boat on a Property	Section 7.24 d)	\$ 300.00
36	Keep a Cargo Container in a non-permitted zone	Section 7.27	\$ 300.00
37	Failure to keep steps, walks, driveways in good repair	Section 7.30	\$ 200.00
38	Failure to remove snow and ice from the roof and/or eave of a Property	Section 7.31	\$ 200.00
39	Failure to keep composting materials in a Rear Yard	Section 7.33 a)	\$ 200.00
40	Failure to keep composting material in a container or digester	Section 7.33 b)	\$ 200.00
41	Failure to keep composting material in a manner to deter Infestation	Section 7.33 d)	\$ 200.00
42	Failure to keep composting material set back 1.2m	Section 7.33 e)	\$ 200.00
43	Failure to keep composting material in a pile no larger than 1.0m <sup>2</sup> and 1.2m in height	Section 7.33 f)	\$ 200.00
44	Keep a compost container or pile which emanates odour	Section 7.34	\$ 200.00
45	Failure to keep Property from spreading dust and dirt	Section 7.36	\$ 200.00
46	Allow an outdoor light to shine into living or sleeping area of an adjacent Dwelling	Section 7.38	\$ 200.00

47	Cause or permit light to be broadcast onto another Property	Section 7.39	\$ 200.00
48	Failure to keep Property free of Graffiti	Section 7.41	\$ 200.00
49	Allow Graffiti to be placed on a Property	Section 7.42	\$ 200.00
50	Allow standing water on Property in excess of 3 days	Section 7.43	\$ 200.00
51	Fail to keep a swimming pool, hot tub or pond in working condition and free of Standing Water	Section 7.44	\$ 200.00
52	Discharge of Sewage on the surface of the Property	Section 7.46	\$ 300.00
53	Failure to keep storm water contained within limits of the Property	Section 7.47	\$ 200.00
54	Allow roof drainage to discharge directly onto a Highway	Section 7.49	\$ 200.00
55	Failure to keep catch basin and storm drains in good repair	Section 7.50	\$ 200.00
56	Obstructing a watercourse on Property	Section 7.51	\$ 300.00
57	Failure to install adequate drainage on Property	Section 7.52	\$ 300.00
58	Fill, grade, re-grade or alter a Property, changing existing surface drainage	Section 7.53	\$ 300.00
59	Discharge pool, hot tub or sump pump onto Highway, Sidewalk or adjacent Properties	Section 7.54	\$ 200.00
60	Failure to keep adjacent Boulevard free from ground cover	Section 7.55 a)	\$ 200.00
61	Failure to keep adjacent Boulevard free from hazardous materials	Section 7.55 b)	\$ 200.00
62	Failure to keep adjacent Boulevard free from excrement	Section 7.55 c)	\$ 200.00
63	Failure to keep adjacent Boulevard free from Refuse	Section 7.55 d)	\$ 200.00
64	Provide false information to an Officer	Section 11.1	\$ 500.00
65	Hinder/Obstruct an Officer	Section 11.2	\$ 500.00
66	Fail to comply with an order	Section 11.3	\$ 500.00

“NOTE: the penalty provision for the offences indicated above is Section 12.1 of By-law No. 18-2025, a certified copy of which has been filed”.