THE CORPORATION OF THE TOWNSHIP OF THE CARLING

BY-LAW NO. 2026 - 25

Being a By-law To Regulate the Care and Maintenance of Yards and Vacant Lots in the Township of Carling

WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

AND WHEREAS section 127 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws to require the owner or occupant of land to clean and clear the land, or to clear refuse or debris from the land;

AND WHEREAS section 128 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

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 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 434.1 of the *Municipal Act, 2001* enables municipalities to establish a system of administrative penalties to encourage compliance with a by-law that are not punitive;

AND WHEREAS section 446 of the *Municipal Act, 2001* authorizes a municipality to require a person to do a matter or thing and in default of it being done by the person directed or required to do it, the matter or thing shall be done at the owners' expense and the municipality may add the cost to the tax roll;

AND WHEREAS Council of the Township of Carling deems it necessary for the health, safety and welfare of the inhabitants to enact a by-law requiring owners and occupants of land to maintain their land free from refuse, derelict vehicles and vessels, and any unsafe or hazardous conditions;

AND WHEREAS the Council for the Corporation of the Township of Carling has determined that it is desirable to make amendments to By-law 2026-14 to include as a designated by-law the herein By-law to Regulate the Care and Maintenance of Yards and Vacant Lots in the Township of Carling;

NOW THEREFORE the Council of the Corporation of the Township of Carling enacts as follows:

1.0 Short Title

1.1 This By-law shall be known as the "Clean Yards By-law".

2.0 Definitions

2.1. In this By-law:

a. "Administration Fee" shall mean the costs incurred by the Township for the administration and enforcement of this By-law and shall be in accordance with the current Township Fee Schedule By-law, as amended;

b. "AMPS By-law" shall mean the Township's Administrative Monetary Penalty By-law 2026-14 as amended;

c. "By-law Enforcement Officer" shall mean a person, or designate, who is an employee of the Township of Carling and who has been appointed by Council to administer and enforce all or part of this By-law on behalf of the Township;

d. "Council" shall mean the Council of the Township of Carling;

e. "Derelict Vehicle" shall mean an unlicensed vehicle that is inoperative, unused, discarded, in disrepair, or which has deteriorated or removed parts which prevent its proper functioning, including but not limited to tires, glass, windshields or windows;

f. "Derelict Vessel" shall mean any boat, ship, or craft of any kind designed, used, or capable of being used solely or partly for navigation in, on, through or immediately above water that:

i. has broken or missing parts of such sufficiency so as to render it incapable of being used for its intended purpose or incapable of being licensed to operate (where such licensing is necessary) but shall not include a vessel actively being repaired or restored by the owner; or

ii. is in a wrecked, dismantled, discarded, inoperative, or abandoned condition;

g. "Owner" shall mean the person holding registered title to the land, and/or a lessee, tenant, occupant, mortgagee in possession, or any person having charge of the land;

h. "Person" shall mean an individual, firm, corporation, association, partnership, trust organization, trustee or agent and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law;

i. "Refuse" shall mean any article, thing, matter or any effluent belonging to or associated with a house or household, and any article, thing, matter or any effluent belonging to or associated with any farming operation, industry, trade or business that in the opinion of the By-law Law Enforcement Officer, or designate, appears to be cast aside, discarded, abandoned or appears to be worthless, useless or of no practical value, or appears to be used up in whole or in part, or worn out, and without limiting the foregoing, may include:

i. Accumulations, deposits, remains, rubbish or trash;
ii. Litter, including paper, cartons, newspapers, flyers, cardboard, and/or packaging;
iii. Accumulations of yard clippings, tree and garden cuttings, brush or leaves;
iv. Appliances including refrigerators, stoves, freezers or any other appliances, and any parts thereof, including attached hinges, latches, locking or closing mechanisms and/or devices;
v. Derelict Vehicles, including vehicle parts and/or accessories;

vi. Derelict Vessels, including vessel parts and/or accessories;
vii. Machinery and machinery equipment and/or parts, including furnaces and/or furnace parts, pipes and/or pipe fittings, water tanks, fuel tanks, and/or septic tanks, tubing, conduits, cable fittings and/or other accessories;
viii. Containers of any size, type, or composition, including cans, glass or plastic containers;
ix. Improper composting of materials including pet droppings, meat, bones and fish, or inorganic materials such as glass, plastics or aluminum foil;
x. Sewage including liquid waste containing human, animal, vegetable, or mineral matter, oils, chemicals, fuels, and/or other liquid remains;
xi. Materials resulting from, or as part of, construction or demolition projects, including decaying lumber, or other debris and/or material that does not appear to be actively utilized or intended for construction purposes, including debris (wood piles or windrows) left from the clearing of land for the purposes of residential lots; and/or
xii. Any other material that does not appear to be actively used for its intended purpose;

j. "Township" shall mean the Corporation of the Township of Carling;

k. "Vehicle" shall include an automobile, motorcycle, motor-assist bicycle, boats, trailers and/or any other vehicle propelled or driven mechanically or by muscular power, whether licensed or unlicensed;

l. "Unsafe or Hazardous Conditions" shall mean the presence of:

i. Flammable refuse including overgrown grass and weeds or untrimmed underbrush, timber, lumber and other wood products;
ii. Item that creates a safety hazard;
iii. Machinery, automotive equipment or other materials in disuse which are not properly enclosed and protected;
iv. Any other circumstance that creates or is likely to create a risk or fire or other accident;
v. Any well which is unprotected or which by its presence creates a risk of accident or injury; and/or
vi. Spilled or leaked substance including but not limited fuels and chemicals which cause a risk of contamination to the lands or surrounding lands;

m. "Yard" shall mean the land within the boundary lines of a property not occupied by a principal building, if any, and shall include grounds and/or vacant property.

3.0 Scope and Application

3.1 This By-law shall apply to all land within the Township of Carling.

3.2 Where a provision of this By-law conflicts with a provision of another By-law in force and effect in the Township, the provision that established the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

4.0 Property Maintenance

4.1 Every Owner of land shall maintain their Yard(s) free from Refuse.

4.2 Every Owner of land shall maintain their Yard(s) free from Unsafe or Hazardous Conditions.

4.3 Every Owner shall ensure that the storage of any Vehicle(s) conforms to the standards and requirements of any Township By-law and/or applicable legislation.

4.4 Except as otherwise permitted by the Township's Zoning By-law, as amended, no Owner shall cause or permit the storage of Derelict Vehicles or Derelict Vessels in a Yard, unless the Derelict Vehicle or Derelict Vessel and its parts are kept in an enclosed building.

4.5 Sections 3.3 and 3.4 do not apply to Vehicles used primarily for agricultural uses on lands with an ongoing agricultural operation.

5.0 Right of Entry

5.1 A By-law Enforcement Officer, may enter on land at all reasonable times for the purpose of:

a. Carrying out an inspection;

b. To ascertain whether the provisions of this By-law are complied with; or

c. To ascertain whether the conditions of a Notice to Comply, issued pursuant to this By-law, have been complied with.

5.2 For the purposes of an inspection conducted under this By-law, the By-law Enforcement Officer may:

a. Require the production of documents or things for review that may be relevant to the inspection or the enforcement of a Notice to Comply pursuant to this By-law;

b. Inspect and/or remove documents or things relevant to the inspection or enforcement of a Notice to Comply for the purpose of making copies;

c. Require information from any person concerning a matter related to the inspection or enforcement of a Notice to Comply; and/or

d. Alone, or in conjunction with a person possessing special or expert knowledge, take measurements, make examinations or take tests, samples or photographs necessary for the purposes of the inspection or enforcement of a Notice to Comply.

5.3 No person shall hinder or obstruct or attempt to hinder or obstruct, either directly or indirectly, a By-law Enforcement Officer exercising power or authority, or performing a duty as permitted under this By-law.

6.0 Notice to Comply

6.1 Where a By-law Enforcement Officer or designate is satisfied that the land that does not comply with the provisions of this By-law, the By-law Enforcement Officer may issue a Notice to Comply upon the Owner or other Person, requiring the Owner or other Person to bring the land into compliance with the provisions of this By-law. Such Order shall be served on the said Owner or other Person by in accordance with Section 7.0 of this By-law.

6.2 A Notice to Comply shall set out:

a. Reasonable particulars of the non-compliance, and identify the land on which the non-compliance occurred;

b. The work to be done to bring the land into compliance;

c. The date by which the work shall be completed to bring the land into compliance; and

d. Provide notice that if the required work to bring the land into compliance is not completed by the prescribed date, that the Township may do such work at the Owner or other Person's expense.

7.0 Service of Notice to Comply

7.1 A Notice to Comply, issued pursuant to this By-law, may be served:

a. Personally, with service being deemed effective on the date given;

b. By registered mail, with service being deemed effective on the fifth (5th) day after mailing;

c. By placing the Notice to Comply in the mailbox or other depository ordinarily used for mail, with service being deemed effective on the fifth (5th) day after the leaving or placing; and/or

d. By posting the Notice to Comply in a conspicuous place on the land, and a By-law Enforcement Officer may enter the land for this purpose, with service being deemed effective on the fifth (5th) day after the posting.

8.0 Failure to Comply with Notice

8.1 Where an Owner or other Person to whom a Notice of Comply has been issued pursuant to this By-law fails to comply with the Notice to Comply, the Township, in addition to any other remedies it may have, may cause the work required to bring the land into compliance 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.

8.2 Where any item is removed from the land in accordance with section 7.1, such item may be immediately disposed of by the Township.

8.3 Where the Township, its employees or authorized agents have performed work required to bring land into compliance with this By-law, all expenses incurred by the Township in doing the work, as well as any related Administration Fees, shall be deemed to be a debt to the Township and may be collected by the Township or added to the tax roll for the land and collected in the same manner as taxes.

8. 4 A By-law Enforcement Officer may enter upon the land at any reasonable time, in order to bring the land into compliance.

8. 5 In order to bring the yard into compliance the By-law Enforcement Officer may utilize a third party contractor.

9.0 Exemptions

9.1 Despite provisions herein, this By-law shall not be deemed to:

a. prohibit the storing of automotive or mechanical equipment, salvage and similar material which is required for legitimate business purposes where permits have been received.

b. interfere with the filling or raising of land with earth or rock fill done as an adjunct to building operations or disposal of Refuse on any lands which

have been designated for that purpose by the Township where required permits have been received.

c. 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 defined by that Act.

d. Apply to Derelict Vessels which are otherwise governed by the *Wrecked, Abandoned or Hazardous Vessels Act*, S.C. 2019, c. 1. to the extent of any conflict between this by-law and that Act.

10.0 Offence and Penalty

10.1 Every Person or Owner who contravenes any provision of this By-law, or who fails to comply with a Notice to Comply, 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, c. P.33, as amended.

10.2 Administrative Monetary Penalties

a. Instead of laying a charge under the *Provincial Offences Act* for a breach of any provisions of this By-law, an Enforcement Officer may issue an administrative monetary penalty in accordance with the AMPS By-law, as amended, or its successor by-law, to any Person or Owner who has contravened this By-law.

b. If a Person or Owner is required to pay an administrative monetary penalty under subsection (a) above, no charge shall be laid against that same Person or Owner for the same contravention.

c. A Person or Owner who is issued an administrative monetary penalty shall be subject to the procedures provided for in the AMPS By-law, as amended, or its successor by-law, including the right to request a review of the matter in accordance with the provisions of that By-law.

10.3 Any costs and expenses for services provided by or on behalf of the Township, or for which the Township is liable for in endeavoring to control or extinguish any fire caused by or resulting from a Person contravening or failing to comply with any provision of this By-law shall be an Administration Fee imposed pursuant to Section 391 of the *Municipal Act, 2001*, S.O., 2001, and shall constitute a debt of such person to the Township.

10.4 Administration Fees imposed pursuant to this By-law shall applied in accordance with the Township Fee Schedule By-law.

10.5 Every Person and Owner shall comply with any Notice issued under the authority of this By-law.

11.0 Severability

11.1 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.

12.0 Administration and Enforcement

12.1 The Manager of By-law Law Enforcement and appointed By-law Enforcement Officers shall be responsible for the administration and enforcement of this By-law.

13.0 Designated By-law

13.1 Schedule "A" of By-law 2026-14 (the AMPS By-law) is hereby amended to include the herein Clean Yards By-law under the list of designated by-laws as defined in By-law 2026-14.

13.2 Schedule "B" of By-law 2026-14 is hereby amended to include the short form wording, list of provisions and penalty amount for the Clean Yards By-law

14.0 Force and Effect

14.1 This By-law shall come into effect on the date of passage.

READ and **FINALLY PASSED** in **OPEN COUNCIL** this **9th** day of **June, 2026.**

THE CORPORATION OF THE TOWNSHIP OF CARLING

Susan Murphy, Mayor

Kevin McLlwain, CAO/Clerk