



THE CORPORATION OF THE TOWNSHIP OF HILLIARD

BY-LAW NUMBER 2024-22

A By-law regarding Clean, Safe Properties

WHEREAS sub-section 8(1) of the Municipal Act, 2001, S.O 2001 CH 25, herein referred to as “the Act” provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

WHEREAS sub-section 8(2) of the Act provides that in the event of ambiguity in whether or not a municipality has the authority under this or any other Act to pass a by-law or to take any other action, the ambiguity shall be resolved so as to include, rather than exclude, powers the municipality had on the day before this Act came into force; and

WHEREAS sub-section 8(3) of the Act provides that a by-law under sections 10 and 11 of the Act respecting a matter may,

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter.

WHEREAS sub-section 8(4) of the Act provides that without limiting the generality of subsections (1), (2) and (3) and except as otherwise provided, a by-law under the Act may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate; and

WHEREAS Section 425 of the Act provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence; and

WHEREAS pursuant to Section 446 of the Municipal Act S.O. 2001, c. 25, as amended, a municipality may enact a bylaw to require that a matter or thing be done and in default, the matter or thing may be done by the municipality at the person’s expense and further

that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes; and

WHEREAS pursuant to Section 391 of the Municipal Act S.O. 2001, as amended, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it.

NOW THEREFORE, the Council of the Corporation of the Township of Hilliard enacts as follows:

1. Short Title

1.1. This By-Law may be referred to as “The Clean, Safe Properties By-Law”.

2. Scope

2.1 The requirements set forth in this by-Law are hereby prescribed and adopted as the minimum requirements for residential and vacant properties.

2.2 No person shall allow conditions on a property which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about a property.

2.3 This by-law does not apply so 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.

3. Interpretations and Definitions

3.1 **Terms Defined:** Unless otherwise expressly stated, terms shall, for the purpose of this by-Law, have the meaning indicated in Section 3 of this By-Law.

3.2 **Terms Not Defined:** Where terms are not defined under the provisions of this by-Law, they shall have the meanings ascribed to them their ordinarily accepted meanings, and such as the context herein may imply.

3.3 **“boat”** means any vessel which floats on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land;

3.4 **“derelict motor vehicle”** means a motor vehicle that is;

- (a) inoperative by reason of removed wheels, battery, motor, transmission, or other parts or equipment necessary for its operation;
- (b) not in a 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 as a means of transportation that is less than the cost of repairs required to put in 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 collectors or historic vehicle.

3.5 “**exterior property areas**” means the property, exclusive of buildings and accessory buildings, and generally means the yards and gardens;

3.6 “**ground cover**” means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

3.7 “**long grass**” means a grass taller than 25.4 cm (10 inches).

3.8 “**owner**” includes,

(1) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, 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 and premises were let; and

(2) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

3.9 “**person**” means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law;

3.10 “**property**” means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and also includes vacant property;

3.11 “**salvage yard**” includes a scrap yard, junk yard and wrecking yard, whether or not an active business is carried on therein, or such yard is used for storage purposes;

3.12 “**Township**” shall mean the Corporation of the Township of Hilliard;

3.13 “**unsafe condition**” means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property.

4. Penalty and Offence

4.1. Exterior property areas, yards, shall be kept free from:

- (a) rubbish, garbage, brush, waste, litter and other debris;
- (b) overgrown hedges and bushes, in relation to their environment,
- (c) ground cover, such as grass, not longer than 25.4 cm/10 inches,
- (d) dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which creates an unsafe condition;
- (e) wrecked, dismantled, derelict, inoperative, discarded, unused or unlicensed vehicles or trailers, except in an establishment licenced or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition and screened from view from adjacent properties;
- (f) wrecked, dismantled, derelict, inoperative, discarded or unused boats and any component parts thereof, except in an establishment licenced or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition and screened from view from adjacent properties;
- (g) machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an unsafe condition or an unsightly condition out of character with the surrounding environment; and
- (h) dilapidated or collapsed structures or erections and any unprotected well or other unsafe condition or unsightly condition out of character with the surrounding environment.

4.2 Failure to maintain exterior property areas, yards, as prescribed in section 4.1 of this By-law is guilty of an offence and upon conviction is liable to a

fine as prescribed under the Provincial Offences Act, R.S.O. 1990, as amended.

5. Remediation

5.1 Where the owner is in default of doing any matter or thing directed or required to be done under this by-law, an Officer may give Notice, found in Appendix "1" of this By-Law, to the owner, in writing, directing that the property be brought into compliance with the requirements of this By-Law within a defined time period, at the owner's expense. In so doing, the Municipality may charge an administration fee and both the expense and the fee may be recovered from the owner.

5.2 The following Administration Fees shall be applied in addition to any penalty provided in the Provincial Offences Act:

- a) Where an owner fails to comply with an enforcement officer's verbal direction under this by-law, the owner shall pay an administration fee of \$100;
- b) Where an owner fails to comply with an enforcement officer's Order under this by-law, the owner shall pay an administration fee of \$200.00

5.3 Where any matters of things are removed in accordance with Section 5.1, such matters or things may be immediately disposed of by the Officer.

5.4 The Municipality may recover the remedial action cost and administration fee incurred under Section 5.1 and Section 5.2 by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act.

5.5 The Municipality may, prior to recovering costs incurred in Section 5.1 and Section 5.2 pursuant to Section 446 of the Municipal Act by adding costs of the Municipal Taxes, invoice Owners requesting voluntary payment of said remedial action costs.

5.6 In the event that the presence of material presents, in the opinion of Municipal By-Law Officer, an unsafe, hazardous or dangerous condition or to present a danger to public health, the notice referred to in paragraph 5.1 may be dispensed with.

6. Administration and Enforcement

6.1 A person appointed by the Township of Hilliard as Municipal By-Law Officer is authorized to enforce this by-law, and the By-Law Officer shall use their discretion in determining the application of the By-law upon a property.

6.2 No person shall hinder or obstruct a Municipal By-Law Officer of this By-law.

6.3. Owners and occupants of property shall comply with the requirements prescribed in this By-law, and shall comply with an order issued under this By-law requiring compliance.

6.4 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 in the Provincial Offences Act, R.S.O, 1990, c. p.

6.5 The Township of Hilliard owned properties or properties leased by the Township shall be exempt from the provisions of this By-law.

7. Power of Entry

7.1 In accordance with section 436(1) of the Municipal Act, 2001, a Municipal By-Law Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.

8. Severability

8.1 If a court of competent jurisdiction declares any section or part of this by-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 17th day of July, 2024.

Reeve

Clerk

APPENDIX 1

BY-LAW ENFORCEMENT - NOTICE OF REMEDY

Pursuant to section _____ of Township of Hilliard By-Law 2024-22 (Clean, Safe Properties By-Law), you are hereby required to remove items from your property located at _____ in the Township of Hilliard in order to comply with the provisions of section _____ of the By-Law.

The items to be removed are _____ as defined in section _____. As per Section 5.2 a two hundred dollar (\$200.00) administrative fee shall accompany the issuance of a **NOTICE TO REMEDY**.

If the items are not removed from the property by _____, the Township of Hilliard will remove and dispose of the items pursuant to section 5.3 of the By-Law, and any costs associated with the removal and disposal may be added to the tax roll for the property.

If you have any questions regarding this matter, please contact me by phone or email.

Yours truly,