



## **Township of Lucan Biddulph**

### **By-law 13 of 2026**

### **“Tidy Yard By-law”**

# The Township of Lucan Biddulph

## By-law No. 13-2026

Being a by-law to provide for the filling up, draining, cleaning and clearing of land,  
and the clearing of refuse from land within the Township of Lucan Biddulph

(Tidy-Yard By-law)

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# Township of Lucan Biddulph

## BY-LAW NO 13-2026

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**Being a by-law to provide for the filling up, draining, cleaning and clearing of land, and the clearing of refuse from land within the Township of Lucan Biddulph, County of Middlesex**

**WHEREAS** Sections 8 and 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*"), respectfully provide that the powers of a municipality shall be interpreted broadly and provide that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under it or any other Act;

**AND WHEREAS** Subsection 8(3) of the *Municipal Act, 2001*, provides that a by-law passed under section 11 respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a Person to do things respecting the matter, or may provide for a system of licences respecting the matter;

**AND WHEREAS** Subsection 11(1) and 11(2) and 11(3) of the *Municipal Act, 2001* authorize a municipality to provide any service or thing it considers necessary or desirable, including by-laws respecting the health, safety and well-being of persons, drainage and flood control, and waste management;

**AND WHEREAS** Section 127 of the *Municipal Act, 2001*, provides that a municipality may define "refuse" for the purpose of the by-law, may prohibit the depositing of refuse or debris on land, require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, and the municipality may regulate when and how matters required under the by-law may be done;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001*, provides that a municipality may prohibit and regulate 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 local municipality may prohibit and regulate the use of any property 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** Subsection 425(1) of the *Municipal Act, 2001*, provides that a Municipality may pass by-laws providing that a person who contravenes a by-law of a Municipality passed under this act is guilty of an offence;

**AND WHEREAS** Section 425(3) of the *Municipal Act, 2001*, provides that a Municipality may pass a by-law providing that a director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence;

**AND WHEREAS** Section 429 of the *Municipal Act, 2001*, grants the municipality the authority to establish a system of fines for offences under a by-law of the municipality passed under the Act;

**AND WHEREAS** Section 431 of the *Municipal Act, 2001*, allows, upon a conviction, a court of competent jurisdiction to make an order that the offence not be continued or repeated;

**AND WHEREAS** Subsection 436(1) of the *Municipal Act, 2001*, grants the municipality the authority to enforce by-laws and enter properties for inspection purposes, ensuring compliance with a by-law passed under the Act;

**AND WHEREAS** Subsection 436(2) of the *Municipal Act, 2001*, provides that a by-law passed under section 436(1) of the Act may provide for the powers of inspection of the municipality that can be exercised for the purposes of an inspection;

**AND WHEREAS** Section 444 of the *Municipal Act, 2001*, provides that a municipality may issue an order to discontinue a contravention of a by-law passed under the Act;

**AND WHEREAS** Section 445 of the *Municipal Act, 2001*, provides that a municipality may issue

an order to do work to correct a contravention of a by-law passed under the Act;

**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, the cost of which may be recovered by adding the cost to the tax roll, and the municipality may enter upon land at any reasonable time for the purpose of doing the matter or thing;

**AND WHEREAS** the Council of the Corporation of the Township of Lucan Biddulph 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, debris, excessive growth of grass and weeds and conditions which may pose an unsafe condition;

**AND WHEREAS** it is the opinion of the Council of the Corporation of the Township of Lucan Biddulph that the failure to clear refuse and debris from land and the excessive growth of grass and weeds may pose a public nuisance, including the spread of vermin, to the inhabitants of the municipality;

**THEREFORE**, the Council for the Corporation of the Township of Lucan Biddulph enacts as follows:

## 1. DEFINITIONS

1.1 In this by-law, the following definitions shall apply:

(a) **“Agricultural Purposes”** means that the Land used for cultivating soil, producing crops or for the raising of livestock as an “agriculture operation” as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1, but does not include the portion of Land used as a woodlot;

(b) **“Buffer Strip”** means a border of a minimum of 0.9 m wide that delineates a Wildflower Meadow or Naturalized Area;

(c) **“Building”** means:

- (i) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
- (ii) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (iii) plumbing not located in a structure,
- (iv) a sewage system, or
- (v) structures designated in the building code as defined in the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

(d) **“Clear”** means the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located, and includes the draining, the treatment and/or the disposing of a body of standing water on any Property where the body of standing water poses a health or safety hazard, is malodorous or is a breeding place for mosquitoes;

(e) **“Compost”** or **“Composting”** means the natural decomposition, in a composter, heap or digester, of organic material to produce humus, and is comprised of the following materials only: leaves, Grass, shrub and hedge clippings, house and garden plants, branches, all fruits and vegetable matter, coffee grounds, filters, tea bags, egg shells, pasta and bread;

(f) **“Composting Container”** means the holding unit used to store yard, garden and household Waste for the purpose of Composting;

(g) **“Council”** means the Council of the Corporation of the Township of Lucan Biddulph;

(h) **“Debris”** means any material including, but is not limited to, tires, Inoperable Motor Vehicles, motor vehicle parts, mechanical equipment, dilapidated boats, kitchen appliances, furniture, containers of any kind, grass clippings, tree cuttings, brush, leaves, garden refuse, new or used material resulting from or for the purpose of

construction, alteration, repair or demolition of any Building or structure, effluent, discard or garbage of a type arising from industrial or commercial operation, or belonging to or associated with industry or commerce or industrial or commercial Property. Any material, item, or thing does not cease to be Debris by reason that it may be commercially saleable or recyclable;

- (i) “**Environmental Protection Act**” means the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;
- (j) “**Fees and Charges By-law**” means the Corporation of the Township of Lucan Biddulph By-law No. 52-2025, as amended;
- (k) “**Fence By-law**” means the Corporation of the Township of Lucan Biddulph By-law No. 20-2017, as amended;
- (l) “**Fill**” means soil, subsoil, Topsoil, stone, sod, rock, Rubble, clay, sand, gravel, organic material or other such material, either singly or in combination and includes hydro-vacuum truck slurry and slurry by-product that is transported and is capable of being removed or deposited on lands; it may or may not be compacted;
- (m) “**Grass**” means all forms, types and species of grass, or any other plant material;
- (n) “**Inoperable Motor Vehicle**” means a Motor Vehicle, having missing, damaged, deteriorated or removed parts of, including, but not limited to, wheels, motor, transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation;
- (o) “**Land**” means immovable real property, and includes yards, vacant lots or any part of a lot which is not a Building within the Municipality;
- (p) “**Motor Vehicle**” includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;
- (q) “**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended
- (r) “**Municipality**” means the Corporation of the Township of Lucan Biddulph;
- (s) “**Naturalized Area**” means a portion of a lot where a lawn or Perennial Garden previously maintained by the Owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of species or other species to emulate a natural area;
- (t) “**Occupant**” means any Person or Persons over the age of eighteen (18) years in possession of or occupying a Property;
- (u) “**Officer**” means any police officer, a by-law enforcement officer, building inspector or Chief Building Official as appointed by the Council;
- (v) “**Owner**” includes:
  - (i) The registered owner of the Property;
  - (ii) The Person, for the time being, managing or receiving the rent from a Building on 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 Building on the Property were let; and,
  - (iii) A lessee or Occupant of a Building on the Property who, under the terms of a lease, is required to repair and maintain the Property in accordance with the standards set out in this by-law.
- (w) “**Perennial Garden**” means an area deliberately implemented to produce ground cover, including wildflowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a Wildflower Meadow or a Naturalized Area;

- (x) **“Person”** means an association, corporation, firm, individual, 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;
- (y) **“Pond”** or **“Ponding”** means the accumulation of surface water in the area not having drainage therefrom;
- (z) **“Property”** means a Building or structure or part of a Building or structure, and includes the Lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant Land;
- (aa) **“Pests”** means rodents, vermin or insects;
- (bb) **“Refuse”** means any article, thing, matter, substance or effluent that:
- (i) has been cast aside, discarded, discharged or abandoned whether it has 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; and
  - (iv) shall include Debris.
- (cc) **“Roof Water”** means rainwater that has fallen onto a roof of a Building or structure and which reaches ground level by a downspout or any other means;
- (dd) **“Rubble”** includes, but is not limited to, broken concrete, bricks, broken asphalt, patio or sidewalk slabs;
- (ee) **“Runoff”** means Stormwater that has drained away from the surface of Land, a Building or structure;
- (ff) **“Solid Waste Management By-law”** means the Corporation of the Township of Lucan Biddulph By-law No. 31-2012, as amended;
- (gg) **“Storage Container”** includes, but is not limited to, waste containers, shipping containers, rail containers, transportation containers or any part of a cube van used for storage on a Property;
- (hh) **“Stormwater”** means water that has fallen as or been obtained from rain;
- (ii) **“Stormwater Management Pond”** means an artificial pond that is designed to collect and hold Stormwater that has been approved by the Municipality;
- (jj) **“Unlicensed Motor Vehicle”** means a Motor Vehicle that lacks a currently validated permit for the Motor Vehicle within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;
- (kk) **“Waste”** means garbage, special collection materials, recyclable materials, organic materials, yard waste;
- (ll) **“Water Garden”** means a garden that features a water feature including, but not limited to, a pond or other such container of water as its central element and may include aquatic plants and fish;
- (mm) **“Weeds”** means all noxious and local weeds designated as such under Ontario Regulation 1096, R.R.O. 1990, made under the *Weed Control Act*, R.S.O. 1990, C.W. 5, as amended;
- (nn) **“Wildflower Meadow”** means a specialized habitat within a Naturalized Area, which is dominated by native species of flowers and grasses;
- (oo) **“Woodlot”** means an area of trees in excess of 0.2 hectares;
- (pp) **“Yard”** means the Land, other than publicly owned Land, within the boundary lines

of a Property around and appurtenant to the whole or any part of a Building and used or intended to be used, or capable of being used in connection with the Building;

(qq) “**Zoning By-law**” means the Corporation of the Township of Lucan Biddulph Zoning By-law 100-2003, as amended.

## **2. SHORT TITLE**

2.1 The short title of this by-law is the “Tidy Yards By-law”.

## **3. SCOPE AND APPLICATION**

3.1 The provisions of this by-law apply to the entire geographic area of the Municipality except Lands identified in the Zoning By-law that permit a use prohibited by this by-law or are used for Agricultural Purposes.

3.2 Where other by-laws in force in the Municipality, statutes, or regulations prescribe standards of maintenance, the provisions that establish the higher standard shall prevail.

## **4. PROPERTY REQUIREMENTS**

4.1 No Person shall allow, cause or permit the accumulation or presence of Debris, garbage, Refuse, Rubble, Waste on private Property unless authorized by the Zoning By-law.

4.2 No Owner shall allow, cause or permit Grass to grow more than 20 centimetres (8 inches) in height.

4.3 Every Owner shall fill in any excavation on the Land to an adjacent grade with non-contaminated Fill.

4.4 Every Owner who does not meet the requirement of subsection 4.3, shall completely enclose the excavation with a fence having a minimum height of at least 122 centimetres (48 inches) and shall meet the materials and maintenance requirements of the Fence By-law.

4.5 The requirements of subsections 4.3 and 4.4 do not apply to a Property where construction is proceeding for which a valid building permit has been issued pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and the construction meets all of the applicable requirements of that Act,

4.6 No Owner shall allow, cause or permit accumulations of water that exceed 30 centimetres (12 inches) in depth of standing water unless:

- a) it is completely enclosed by a temporary barrier having a minimum height of 122 centimetres (48 inches);
- b) the water constitutes a Stormwater Management Pond or is a part of a storm water infrastructure;
- c) the water constitutes a natural body of water or results from the periodic flooding of a natural water course; or
- d) the water constitutes a Water Garden or fishpond.

4.7 No Person shall throw, place, dump or deposit, or allow the throwing, placing, dumping or depositing of Debris, garbage, Refuse, Rubble, or Waste on private Property or municipal Property without lawful authority or if such activity is authorized by the Zoning By-law.

4.8 No Owner shall allow, permit or cause water in a swimming pool or standing body of water to be or become a health or safety hazard, malodorous, or a breeding place for mosquitoes.

4.9 Every Owner whose Property contains a Wildflower Meadow or Naturalized Area shall ensure to maintain a Buffer Strip as per the requirements of this by-law.

4.10 No Person shall use or permit the use of Land as a place to store, keep, display, pile or accumulate in the open any Debris, iron or other metals, building materials, clothing or

household goods, furnishings, fixtures, appliances, or any parts or portions thereof unless such use is permitted under the Zoning By-law.

4.11 No Person shall use or permit the use of Land for the sale or display of household goods, furnishings, apparel and similar articles except when such sale and display is limited to not more than two (2) days in any calendar year.

4.12 No Person shall use, permit or allow the use of Land in the Municipality for the storage of Inoperable Motor Vehicles and all other dismantled, discarded, wrecked or abandoned vehicles, farm machinery and equipment, railway cars, trailers, boats and street-car bodies and kept free of Refuse and of parts of Motor Vehicles whether inoperable or not unless such Property:

- (a) is zoned for a salvage yard pursuant to the Zoning By-Law;
- (b) constitutes a Waste disposal site to which a certificate of approval or provisional certificate of approval has been issued under the *Environmental Protection Act*;
- (c) is enclosed in a Building; or
- (d) constitutes a permitted use under the Zoning By-law or is a legal, non-conforming use.

4.13 No Person shall cause, permit or allow a Storage Container to be placed on any Property. unless:

- (a) the Storage Container may be stored on a Property for no more than thirty (30) days prior to or following a sale of a Property;
- (b) the Storage Container may be placed on a Property for no more than sixty (60) days in support of a construction project unless the period of time is extended, in writing, by an Officer; or
- (c) the Property is zoned Agricultural according to the Zoning By-law and the Storage Container is used in support of an Agricultural Use as defined in the Zoning By-law.

## **5. STORMWATER, PONDING, RUNOFF**

5.1 Every Owner shall ensure that the discharge of Stormwater Runoff from any downspout or other such device serving the same function or sump pump effluent shall only discharge directly onto the Property from whence the Stormwater Runoff or sump pump effluent originated from.

5.2 Every Owner shall ensure that discharge from any downspout or other such device serving the same function or sump pump effluent is not diverted or otherwise impeded or interfered with so as to cause the flow not to follow the grading of the Property.

5.3 No Owner shall cause, permit, or allow the Ponding of water on the Property.

5.4 No Person shall cause, permit or allow ditches, private drains, swales or water courses to be obstructed to any degree which causes the flow of water to be impeded resulting in Ponding.

5.5 No Owner shall cause, permit or allow Stormwater or Roof Water to be directly discharged on to a sidewalk, walkway, steps, porches or other pedestrian access to a Property which may be hazardous or may result in a potential safety risk.

5.6 No Person shall cause, permit or allow water from a weeping tile, foundation, downspout, drain, roof drain or land drain to be connected to or discharged into any sanitary sewage system or directly discharged into a public storm drainage system unless the Municipality has approved such direct discharge.

## **6. COMPOSTING, WASTE AND RECYCLING COLLECTION**

- 6.1 No Person shall set out Waste or recycling materials for collection except in accordance with the standards and requirements set out in the Solid Waste Management By-law.
- 6.2 Every Person, where Refuse, Compost or recyclable material is stored outside of the enclosed walls of a Building or structure, shall ensure that the Refuse, Compost or recyclable material is stored in a container suitable for such purpose, and, for Compost, in a Composting Container, and in a manner that does not attract Pests or create a health or safety hazard due to the nature of the storage or through deterioration or misuse of the container or Composting Container.
- 6.3 No Person shall carry out Composting except in accordance with the following requirements:
- (a) Only in the rear Yard of a Property;
  - (b) Only in a Composting Container or digester and only on Land on which a Building is located;
  - (c) Any Composting Containers or digesters used for Composting shall be kept tightly covered at all times, except when being emptied or filled;
  - (d) Composting in a pile is prohibited;
  - (e) No feces shall be placed in a Composting Container or digester used for Composting;
  - (f) No offensive odour shall be permitted to emanate from a Composting Container, or digester used for Composting to the extent that such odour is detectable by any person on a neighbouring Property;
  - (g) Any Composting Container or digester used for Composting shall be set back at least 0.6 metres (1.97 feet) from any lot line; and
  - (h) No bones, meat, dairy or other fat products are permitted to be Composted.
- 6.4 This section shall not apply where:
- (a) the lands are lawfully used for outside storage of material in compliance with the Zoning By-law; or
  - (b) the lands are designated by or operated by or on behalf of the Municipality or the Corporation of the County of Middlesex for the purposes of dumping, disposing or deposition of refuse.

## **7. EXEMPTIONS**

- 7.1 Nothing in this by-law shall prohibit the use of Land, Buildings or structures designated by or operated by or on behalf of the Municipality for the purpose of dumping or disposing of Refuse.
- 7.2 This by-law does not apply to Perennial Gardens, provided that the Perennial Gardens are managed such that there is no accumulation of Waste or growth of Weeds.
- 7.3 This by-law does not apply to a Wildflower Meadow or Naturalized Area provided that those areas are managed so that there is no accumulation of Waste or growth of Weeds, and provided that they do not encroach within the Buffer Strip.
- 7.4 This by-law does not apply to the placement or collection of Waste in accordance with the Solid Waste Management By-law.

## **8. ENFORCEMENT**

- 8.1 The provisions of this by-law may be enforced by an Officer.

- 8.2 An Officer may, at any reasonable time, without a warrant, enter and inspect any Land to determine whether this by-law, an order under this by-law, or a court order made under section 431 of the *Municipal Act, 2001*, or an order of a court pursuant to a conviction under this by-law is being breached or complied with.
- 8.3 An Officer exercising the power of entry on behalf of the Municipality under this by-law must, on request, display or produce proper identification.
- 8.4 For the purposes of an inspection under this by-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection including his or her name and address; and
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 8.5 If a sample is taken under subsection 8.4(d) of this by-law, the sample shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 8.6 If a sample taken under subsection 8.4(d) of this by-law has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
- 8.7 A receipt shall be provided for any document or thing removed under subsection 8.4(b) of this by-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 8.8 Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals.

## **9. ORDERS**

### *Order to Discontinue*

- 9.1 Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may issue an order requiring the Person who contravened the by-law or who caused or permitted the contravention of the by-law to discontinue the contravention. The Order to Discontinue may be served in accordance with the service provisions contained in this by-law.

### *Work Order*

- 9.2 Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may issue a Work Order requiring the Person who contravened the by-law or caused or permitted the contravention of this by-law as well as the Owner of the Property on which the contravention occurred to do work to correct the contravention. The Work Order may be served in accordance with the service provisions contained in this by-law.
- 9.3 A Work Order issued under this by-law shall:
- (a) set out the reasonable particulars of the contravention adequate to identify the contravention;
  - (b) identify the location on the Property on which the contravention occurred;
  - (c) specify the work to be done to bring the Property into compliance with this by-law; and
  - (d) state the date by which there must be compliance with the Order.

- 9.4 Without limiting the generality of subsection 9.3, a Work Order may include, but is not limited to, the following requirements:
- (a) To clean, Clear or remove from the Land any structure, garbage, Debris or Refuse of any kind;
  - (b) To cease using the Land or structure for the storage, dumping or disposing of garbage, Refuse, or Debris of any kind;
  - (c) To temporarily cover over, screen, shield or enclose the garbage, Refuse, or Debris until such time as the garbage is removed in the manner prescribed by the Officer;
  - (d) To pull down, repair or renew any structure, including but not limited to fences and retaining walls, but not including Buildings that by reason of its ruinous or dilapidated state is an unsafe condition;
  - (e) To remove any Inoperable Motor Vehicles;
  - (f) To eliminate or remove any object or conditions that creates or might create a health, fire or accident hazard;
  - (g) To eliminate or remove the excrement of any animal domesticated or not; or
  - (h) Remove any water that has Poned. Without limiting the foregoing, such Order may include a direction to drain off the Poned Water or the treatment of the same with larvicide.
- 9.5 The Work Order referred to in subsection 9.2 may also provide that if the Person or Owner fails to correct the contravention, the Municipality may do the work to correct the contravention, at the expense of the Person or Owner.

## **10. SERVICE**

- 10.1 An Order issued under this by-law may be served personally, to an email address known for receiving email communication, or by sending it by regular mail to the last known address of:
- (a) The Person to whom the order is directed; and
  - (b) The Owner of the Property upon which the contravention was committed.
- 10.2 Where service of an Order is made by:
- (a) regular mail, service shall be deemed to have been effected on the fifth day after the Order is mailed; or
  - (b) email, service shall be deemed to have been effected on the day that the Person to whom the email communication was sent provides a written response to the email.
- 10.3 In addition to serving an Order as per subsection 10.1 of this by-law, an Officer may also place a placard containing the terms of the order in a conspicuous place on the Property.
- 10.4 Where service cannot be carried out under subsection 10.1 of this by-law, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the Property where the contravention of the by-law has occurred, and the placing of the placard shall be deemed to be sufficient service of the Order on the Person or Persons to whom the Order is directed.

## **11. REMEDIATION**

- 11.1 Where an Owner is in default of doing any matter or thing directed or required to be done under this by-law, an Officer may direct the completion and enforcement of such at the Owner's expense.
- 11.2 The Municipality may recover the remedial action and enforcement costs incurred under subsection 11.1 and any applicable fees and charges pursuant to the Fees and Charges

By-law by action, or by adding them to the tax roll and collecting them in the same manner as taxes.

11.3 The Municipality may, prior to recovering costs incurred in subsection 11.1 or adding those costs to the tax roll, invoice the Owner of the Property requesting voluntary payment of said remedial action costs.

11.4 The Municipality may place a lien on the Property for any remedial action taken in accordance with the *Municipal Act, 2001*.

## **12. OFFENCES**

12.1 Any Person who contravenes any provisions of this by-law or fails to comply with an Order issued under this by-law or fails to comply with any court order 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. 33, as amended.

12.2 No Person shall, either directly or indirectly, hinder or obstruct or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this by-law.

12.3 If a corporation has contravened any provision of this by-law or fails to comply with an Order issued under this by-law, or fails to comply with a court order, every director and officer who knowingly concurred in such a contravention is guilty of an offence.

12.4 Every Person who is guilty of an offence under this by-law shall be subject to the following penalties:

(a) upon a first conviction, to a fine of not less than \$100 and not more than \$50,000;

(b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$400 and not more than \$100,000;

(c) upon conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.

12.5 If an Order has been issued under this by-law, or an order has been made by a court, and the Order or order of the court has not been complied with, the contravention of the Order or order of the court shall be deemed to be a continuing offence for each day or part of a day that the Order or order of the court is not complied with.

12.6 In addition to any penalty imposed and any other remedy, the court in which the conviction had been entered and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the violation by the Person convicted.

## **13. REBUTTABLE PRESUMPTION**

13.1 An Owner shall be presumed to have contravened or caused or permitted the contravention of this by-law or contravened or caused or permitted the contravention of the terms or conditions of an Order issued under this by-law which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

## **14. MUNICIPALITY NOT LIABLE**

14.1 The Municipality assumes no liability for Property damage or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any Person or Property that is subject of this by-law.

## **15. VALIDITY AND SEVERABILITY**

15.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or the enforceability of any other provision of this by-law, or of the by-law as a whole.

**16. GENERAL PROVISIONS**

- 16.1 The requirements of and the obligations imposed by this by-law are in addition to the requirements and obligations contained in any other applicable by-laws of the Municipality or applicable provincial or federal statutes or regulations.
- 16.2 Specific references to statutes, regulations or by-laws are meant to refer to the current statutes, regulations or by-laws in force at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
- 16.3 If there is a conflict between a provision of this by-law and any other by-law of the Municipality or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of Refuse or Debris shall apply.
- 16.4 In this by-law, wherever the singular is used, it is intended to include the plural.

**17. REPEAL AND TRANSITION**

- 17.1 By-law 53-2007 and all amendments thereto are repealed upon this by-law coming into force and effect.
- 17.2 Despite the repeal By-law 53-2007, that by-law shall continue to apply to any contravention of that by-law and to any orders or notices issued prior to the passing of this by-law.
- 17.3 This By-law shall come into effect on March 17, 2026.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17th DAY OF MARCH, 2026.**

*Cathy Burghardt-Jesson*

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Cathy Burghardt-Jesson  
Mayor

*Ron Reymer*

\_\_\_\_\_  
Ron Reymer  
CAO/Clerk