

THE CORPORATION OF THE TOWN OF GRAVENHURST

BY-LAW NO. 2025-42

Being a By-law to Provide for Maintaining Land in a Clean,
Clear and Safe Condition within the Town of Gravenhurst

WHEREAS Section 11(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well- being of persons;

AND WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may require the owner or occupant to clean and clear the property, not including buildings, or to clear refuse or debris from the property, not including buildings;

AND WHEREAS Section 425 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that any person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence and section 429 thereof provides that a municipality may establish a system of fines for offences under a by-law;

AND WHEREAS Section 436 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with a by-law, or an order made under a by-law, or court order made under Section 431 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended;

AND WHEREAS Sections 444 and 445 of the *Municipal Act*, S.O. 2001, c.25, as amended, provide that, if a municipality is satisfied that a contravention of a by-law passed under the *Municipal Act, 2001* has occurred, the municipality may make an order 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 to do work to correct the contravention;

AND WHEREAS pursuant to Section 446 of the *Municipal Act* S.O. 2001, c.25, as amended, a municipality may enact a by-law to require that a matter or thing be done and in default, the matter of 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;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

1 SHORT TITLE

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

2 GENERAL APPLICATION

2.1 For the purpose of this By-law an Owner, Occupant, Tenant or Lessee shall be responsible for the general maintenance and are required to repair and maintain the Property, Land or Vacant Land in accordance with the standards set out within this by-law.

3 DEFINITIONS

- 3.1 **Administrative Monetary Penalties By-law** means the Administrative Penalties By-law of the Town of Gravenhurst, as amended or replaced from time to time;
- 3.2 **Administrative Penalty** means an administrative penalty established by this By-law and specified in the Administrative Monetary Penalties By-law;
- 3.3 **Boulevard** means that portion of the road allowance which is not used as travelled roadway or road allowance;
- 3.4 **Compost** means the natural decomposition within 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 and filters, tea bags, eggshells, pasta and bread;
- 3.5 **Council** means the Council of the Town of Gravenhurst;
- 3.6 **Debris** means any material or item(s) other than recyclable materials, organic materials, and prohibited waste, and includes but is not limited to:
- a) Cigarette butts, cigar tips, e-cigarettes and their components;
 - b) Any identified item or unusable collection of materials determined to be of no value, including but not limited to: refuse, garbage, junk, or waste, including items of wood, metal, tires, containers of any kind and yard fixtures.
- 3.7 **Derelict Motor Vehicle** means:
- 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 other body parts;
 - d) inoperable and appears incapable of use as a means of lawful transportation; or,
 - e) does not have affixed to it a valid license plate.
- 3.8 **District** means The District Municipality of Muskoka;
- 3.9 **Excessive Growth** means any grass or noxious weeds exceeding the maximum permitted height on any property or land;
- 3.10 **Forested** means a full or partial cover of land with forest; plants and trees;
- 3.11 **Good Repair** means maintained and capable of normal and intended operation, not unsightly by reason of deterioration, neglect, damage or defacement and is free from any defect which may cause accidental hazard or health issue;

- 3.12 **Ground Cover** means a material capable of directing or absorbing the natural flow or drainage of water, while preventing soil erosion, such as sod (grass), wood chips, loose stone or gravel, or any approved landscaping material;
- 3.13 **Graffiti** means writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface both on private public property;
- 3.14 **Industrial Waste** means any debris, refuse, sewage, effluent, discard or garbage of a type arising from industrial waste or commercial operation, or belonging to or associated with industry or commerce or industrial or commercial property including, but not limited to, garbage, discarded material or things, broken or dismantled things, materials or things exposed to the elements, and deteriorating or decaying on a property due to exposure to the weather;
- 3.15 **Inoperative Motor Vehicle** means a motor vehicle having missing, damaged, or deteriorated parts or any condition that prevents its intended mechanical function and includes any motor vehicle that is required to be registered or licensed for the current year with an identifiable license plate displayed as required by the *Highway Traffic Act R.S.O. 1990*, or any other legislation and or by a Provincial or National Government;
- 3.16 **Inoperative Major Recreational Vehicle** means a major recreational vehicle having missing, damaged, or deteriorated parts or any condition that prevents its intended residential or mechanical function and shall include a Recreational Vehicle;
- 3.17 **Land** means any yard or Vacant Land within the Town of Gravenhurst;
- 3.18 **Major Recreational Vehicle** means a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and shall include, for example, motor homes, travel trailers, tent trailers, watercraft, watercraft trailers, A.T.V.'s, snowmobiles, golf carts, or other like or similar equipment, excluding bicycles;
- 3.19 **Maximum Height** means the maximum permitted height of turf grass and weeds;
- 3.20 **Motor Vehicle** means 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 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*;
- 3.21 **Naturalized Area** means an area or vegetation deliberately planted or cultivated with one or more species of wildflowers, shrubs, annuals, perennials, ornamental grasses, or combination or them, that is monitored and maintained by a person;
- 3.22 **Natural Body of Water** means a creek, stream, bog, marsh, river, pond or lake created by the forces of nature, and which contains water;

Clean and Clear By-law

- 3.23 **Occupant** means any person over the age of eighteen (18) years, occupying or overseeing the care of the Land or Property and may include a tenant or lessee;
- 3.24 **Officer** means a Municipal Law Enforcement (MLEO), appointed by Council to enforce this By-law;
- 3.25 **Owner** means and includes:
- a) the registered landowner(s);
 - b) a person or person(s) acting as agent or trustee for the registered landowner(s); and
 - c) the person, for the time being, managing or receiving rent from an occupant, residing within a building or structure situated on the Land or Property.
- 3.24 **Person** means any individual, corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to the law;
- 3.25 **Portable Garage Shelter** means a collapsible structure covered with plastic or fabric, used for the purpose of temporarily storing vehicles and/or covering of articles;
- 3.26 **Property** means the same as Yard, and includes such terms as:
- a) lot;
 - b) side yard;
 - c) rear yard;
 - d) interior side;
 - e) yard; and
 - f) exterior side yard.
- 3.27 **Major Recreational Vehicle** means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, truck trailers, pickup coaches, motorized campers, fifth wheels, motorized homes or other similar vehicles and shall not include a mobile home;
- 3.28 **Roof** means covering of the top of a building or space, serving to protect against weather, or extremes of temperature and includes an awning, portico, overhang, cantilevered overhang and canopy;
- 3.29 **Standing or Stagnant Water** means non-flowing, uncirculated, motionless, or stale water that has remained in a location for a period exceeding 7 days, but does not include water that is in a covered rain barrel, or a swimming pool, hot tub, wading pool or artificial pond maintained in good repair and working orders;
- 3.30 **Structure or object** includes, but is not limited to, a fence, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container;
- 3.31 **Town** means The Corporation of the Town of Gravenhurst;

- 3.32 **Turfgrass** means any grass species used to form a dense, mowed ground cover, commonly used for lawns, golf courses, and sports fields, and characterized by its ability to withstand traffic and low mowing;
- 3.33 **Vacant Land** means lands with no building(s) or having no land use established;
- 3.34 **Vegetative Growth** means woody or herbaceous plant material such as undergrowth, grass, brush, and common weeds (such as crab grass, dandelions, clovers, pigweed (amaranth), ribwort plantain, and buckhorn plantain) and includes various perennial grasses grown for lawns, of a type that forms a dense, uniform turf if mown;
- 3.35 **Waste or Refuse** means any article, thing, matter, substance, material or effluent, and includes, but is not limited to:
- a) rubbish, filth, garbage, ashes, bottles, cans, cartons, clothing, toys, packing materials, paper;
 - b) animal feces, carcasses and droppings;
 - c) broken or discarded material;
 - d) disconnected appliances and parts of such appliances;
 - e) indoor furniture and household effects;
 - f) inoperative machinery or mechanical equipment, parts of such machinery not packaged for immediate shipment or parts of vehicles not packaged for immediate shipment, including worn automobile tires, used oil, and automobile parts;
 - g) material resulting from construction, demolition, repair or renovation projects, including soil or rock fill;
 - h) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment;
 - i) vegetative waste, leaves, soot, tree or shrub trimmings, garden waste, stumps, branches and other similar natural or vegetative waste; or
 - j) waste lumber.
- 3.36 **Weeds** means noxious weeds designated as such under the *Weed Control Act* R.S.O. 1990, C.W.5;
- 3.37 **Wildlife** means an animal that belongs to a species that is wild by nature, but does not include an animal that is kept in accordance with:
- a) the Town's Wildlife Animal Control By-law;
 - b) research undertaken by a university, college or similar provincially or federally recognized research institution.
- 3.38 **Yard** means a space appurtenant/adjacent to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky and includes vacant land and may be referred to as Property;
- 3.39 **Yard Maintenance** means the keeping of a yard or property containing vegetative growth, in a healthy, clean, and safe condition, which includes, turfgrass and lawn areas that have been historically mowed or deliberately manicured. Yard

Maintenance may include but is not limited to, lawn mowing, pruning, weeding, natural fertilization and planting.

4 GENERAL MAINTENANCE OF PROPERTY

4.1 Every owner or occupant of property or land shall ensure that the property vegetative growth of the property is maintained in accordance with this By-law.

4.2 Every owner or occupant of property or land shall ensure that their property or yard remains in a level and graded condition, free of vegetative growth unless the property is:

- a) a construction site for which a site alteration permit and/or a building permit has been issued and remains valid and active;
- b) being developed under a subdivision or registered site plan agreement with the Town; or
- c) being actively farmed.

4.3 Every owner or occupant shall maintain their property or land to prevent:

- a) instability including but not limited to the erosion of the soil;
- b) dust, dirt or the accumulation of mud affecting abutting property.

4.4 For property or land that is equal to or less than 0.4 ha in area, every owner shall cut all vegetative growth whenever the growth exceeds 20 centimeters in height or length, excluding:

- a) ornamental plants;
- b) shrubs or trees;
- c) cultivated fruits or vegetables;
- d) plants buffering or otherwise protecting a natural feature such as a watercourse; or
- e) Naturalized Area that complies with this By-law.

4.5 Every owner or occupant of property or land, that abuts a municipal boulevard shall maintain and cut vegetative growth on the boulevard whenever the height of the vegetative growth exceeds 20 centimeters in height or length and shall keep the boulevard free of all noxious weeds.

4.6 Every owner or occupant of property or land shall remove and destroy all noxious weeds, whether dead or alive, from their property.

4.7 In addition to other requirements in this By-law, every owner or occupant of property or land shall maintain all vegetative growth, which, for the purpose of this Section, includes ornamental plants, shrubs, trees, cultivated fruits or vegetables, Naturalized Areas, hedges and other vegetation, on the property of their property according to the following requirements:

- a) vegetative growth shall not obstruct sidewalks or streets;
- b) vegetative growth shall not conceal or interfere with the use of any fire hydrant or water valves;

- c) vegetative growth shall not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices; and
 - d) any other conditions that may be considered a health, safety or hazard.
- 4.8 Despite the provisions of this Section, nothing in these clauses shall be deemed to prevent a farm, meeting the definition of “Agricultural Operation” under the Farming and Food Protection Act, S.O. 1998, c.1, as amended, from carrying out a normal farm practice” as defined by that Act on property where agricultural uses are permitted under the Towns Zoning By-law or any other land use By-laws or Regulations.

5 DOMESTIC STORAGE

Firewood Storage

- 5.1 Every owner or occupant of property or land shall:

- a) ensure that firewood is stored and neatly piled on their property

Storage of Waste for Disposal and Compost

- 5.2 Every owner or occupant of property or land shall keep their property in a clean condition and free and clear of waste.
- 5.3 Every owner or occupant shall store waste, recycling and compost in a well-maintained manner.
- 5.4 For the purpose of Section 5.2, “clean” or “well-maintained” shall mean:
 - a) within a proper recycling bin, garbage receptacle or other acceptable container(s) in accordance with any District By-law pertaining to the collection of waste;
 - b) stored in such a manner that prevents waste from escaping or being blown out of its container(s); and
 - c) sanitary and odour-controlled condition, so as to not attract rodents, vermin, insects, pests or wildlife, or create a health and safety hazard.
- 5.5 A person is not considered contravening this By-law by storing, preparing or placing items out for collection within receptacles approved by the District in accordance with any By-law pertaining to the collection of waste, recyclable material or yard waste.
- 5.6 Every owner or occupant of property or land shall:
 - a) have no more than two compost heaps on a property; and
 - b) ensure that each compost heap:
 - i) is located in the rear yard;
 - ii) is no larger than 1 cubic metre;
 - iii) is no higher than 1.8 metres;

- iv) is enclosed on all sides by concrete blocks, a lumber structure, a metal frame or a commercial plastic compost container.

Temporary Storage of Equipment

- 5.7 No owner or occupant of property or land shall store tools, equipment or construction materials on a property for a period of more than 21 days unless:
- a) a construction site for which a site alteration permit and/or a building permit has been issued and remains valid and active;
 - b) being developed under a subdivision or registered site plan agreement with the Town.

6 DUMPING

- 6.1 No person shall cause or permit littering or dumping of any waste or refuse on any property or land.

7 STANDING WATER

- 7.1 No owner or occupant of property or land shall cause or permit the collection of standing water on their property.
- 7.2 Every owner or occupant of a swimming pool shall take all necessary steps to keep the swimming pool on their property free from standing water.
- 7.3 Discharge of water from a swimming pool shall be directed to the street curb and gutter to drain to the sewer or municipal culvert. For clarity, water drained from a swimming pool shall not drain or migrate onto adjoining properties.
- 7.4 Every owner or occupant of property or land shall take all necessary steps to remove or dispose of standing/stagnant water located on their property or in a swimming pool.

8 PESTS AND VERMIN

- 8.1 Every owner or occupant of property or land shall maintain their property or land free from any nests of bees, wasps, hornets, rodents, vermin, insects or other pests.

9 DERELICT VEHICLES

- 9.1 No owner or occupant of property or land shall cause or permit the storage of derelict vehicles including Major Recreational or Recreational Vehicles, or parts thereof on their property, including for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition.
- 9.2 Every person shall park or store derelict vehicles within an attached or detached private garage or carport.
- 9.3 Section 9.1 does not apply where the Town's Zoning By-law legally permits or allows for such a permitted use.

10 GRAFFITI

- 10.1 No person shall place or cause or permit graffiti to be placed on municipal or private property.
- 10.2 Every owner of property or land shall keep any structure or object on their property or land free of graffiti.
- 10.3 Every owner of property or land shall clean the exterior of any structure or object on their property or land of graffiti.

11 MAINTENANCE OF PRIVATE SIDEWALKS, WALKWAYS AND DRIVEWAYS

- 11.1 Every owner or occupant of property or land shall ensure that the hard surfaced walkway, driveway, parking area of their property is evenly graded and maintained free of potholes or uneven sections.

12 ENFORCEMENT

General Enforcement and Administration

- 12.1 The Manager of By-law Services and all Municipal Law Enforcement Officers are appointed as Officers for the purposes of the administration and enforcement.
- 12.2 The Manager of By-law Services is authorized to administer and enforce this By-law including but not limited to:
 - a) arranging for:
 - i) the assistance or work of Town staff;
 - ii) the making of Orders or other requirements and the imposition of conditions as authorized under this By-law;
 - iii) the obtaining of court orders or warrants as may be required;
 - iv) the commencement of such actions on behalf of the Town to recover costs or restrain contravention of this By-law as deemed necessary; and
 - v) prescribing the format and content of any forms or other documents required under this By-law.
- 12.3 The Manager of By-law Services may assign Officers to enforce this By-law and Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:
 - a) carry out inspections;
 - b) make orders or other requirements as authorized under this By-law; and
 - c) give immediate effect to any orders or other requirements made under this By-law.

13 RIGHT OF ENTRY

- 13.1 An Officer may enter on land at any reasonable time and in accordance with the conditions set out in Sections 435 and 437 of the Municipal Act, 2001, for the purpose

of carrying out an inspection to determine whether the following are being complied with:

- a) an AMP Order or other requirement made under this By-law.

14 INSPECTIONS

14.1 An Officer, for the purposes of the inspection and in accordance with the conditions set out in Section 436 of the Municipal Act, 2001, 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 in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection; 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 purposes of the inspection.

15 PENALTIES AND FINES

AMP Orders and Notices

15.1 If an Officer is satisfied that a contravention of this By-law has occurred, they may make an AMP Order requiring the person who contravened the By-law or who has caused or permitted the contravention to discontinue the contravening activity.

15.2 An AMP Order issued under Section 15.1 shall set out:

- a) the reasonable particulars of the contravention and the location on which the contravention occurred; and,
- b) the nature of the action that must be taken to achieve compliance and the date and time by which there must be compliance with the Order, which may be of immediate effect or within five (5) business days.

15.3 An AMP Order issued under Section 15.1 shall be served upon the owner, occupant and/or person(s) the Officer determines to be responsible for the contravention by:

- a) personal service, which shall be deemed effective on the day of service;
- b) by emailing it to the last known email address, which shall be deemed effective the day after it is e-mailed; or
- c) by mailing a copy of the AMP Order by registered mail to the last known address which shall be deemed effective 7 days after it is mailed.

15.4 Every person who contravenes any provision of this By-law, and each registered owner, when given a Penalty Notice in accordance with the Town's Administrative Penalties By-law, shall be liable to pay the Town an Administrative Penalty in the amount specified in the Administrative Monetary Penalties By-law, and any fees related thereto.

Administrative Monetary Penalties System

- 15.5 This By-law in its entirety is designated as a by-law to which the Town's Administrative Monetary Penalties By-law applies.

Provincial Offences Fines

- 15.6 Every person who contravenes any provision of this By-law, or who obstructs or attempts to obstruct an officer of an employee or agent of the Town in carrying out their duties under this By-law is guilty of an offence and upon conviction is liable to a fine and any such other penalties as provided in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 15.7 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an Order:
- a) prohibiting the continuation or repetition of the offence by the person convicted; and,
 - b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Town Carrying Out Work

- 15.8 Where a person does not comply with a direction or a requirement, including an order, to do a matter or thing(s), the Manager of By-law Services or their designate, with such assistance by others as may be required, may carry out such direction, requirement or order at the person's expense.
- 15.9 The Town may recover the cost of doing a matter or thing under Section 15.8 by any one or more of the following:
- a) bringing an action; and/or
 - b) adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate as per the Town's User Fees and Service Charges By-law, as amended from time to time, commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 15.10 The amount of the Town's costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

16 OBSTRUCTION

- 16.1 In accordance with the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, Section 426 (1), no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an Officer, employed by the Town of Gravenhurst lawfully exercising a power or duty under this by-law.

17 LIABILITY

- 17.1 The Town 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.

18 VALIDITY AND SEVERABILITY

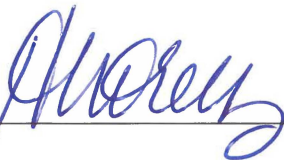
- 18.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole.

19 TRANSITION, REPEAL AND ENACTMENT

- 19.1 By-law No. 2012-19 is hereby repealed.
- 19.2 All prosecutions and other enforcement processes commenced under By-law No. 2012-19 which have not been completed on the day this By-law comes into force shall be completed under By-law No. 2012-19 as if it had not been repealed.
- 19.3 This By-law shall come into force and effect on the day of its passing.

READ AND PASSED this 17th day of June, 2025.

Mayor



Clerk

