

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NO. 2026-040

BEING A BY-LAW FOR MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION (Clean Yards By-law)

WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may 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 to regulate when and how these matters shall be done, and to prohibit the depositing of refuse or debris on land without consent of the owner or occupant of the land;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, 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 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality may create offences for contraventions of by-laws;

AND WHEREAS Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a municipality may establish a system of fines under a By-law;

AND WHEREAS Section 435 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that unless otherwise provided in this Act, in an order under section 438 or in a warrant under section 439, it provides the Municipality the authority to enter upon lands to exercise the power of entry following conditions to the exercise of a power of entry of a municipality under this Act;

AND WHEREAS Section 436 of the Municipal Act, 2021, S.O. 2001, c.25, as amended, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed is being complied with;

AND WHEREAS Section 444 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that where a municipality is satisfied that a contravention of a by-law passed under this Act 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 WHEREAS Section 445 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that where a municipality is satisfied that a contravention of a by-law 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 do work to correct the contravention;

AND WHEREAS Section 446 of the *Municipal Act, 2001* S.O. 2001, c.25 as amended, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense and authorizes municipalities to have the default remedied at the owner's expense by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays deems it necessary and expedient to pass such a by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law:

- 1.1 **Administrative Monetary Penalty System or (AMPS)** also known as an Administrative Penalty refers to the program that the Township has implemented to encourage compliance with Designated By-laws and provide accountability, which includes financial penalties, administrative fees, review for penalties received, and policies and procedures administered by the Township;
- 1.2 **Clean and/or Clear** means to be free from refuse and/or waste material;
- 1.3 **Compost** means the natural decomposition of organic material(s);
- 1.4 **Council** means the Council of The Corporation of the Township of Lake of Bays;
- 1.5 **District** means the District Municipality of Muskoka;
- 1.6 **Domestic Waste** means any article, thing, matter or any effluent belonging to or associated with a house or household, or concerning or relating to the home or family that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that domestic waste extends to the following classes of waste material:
 - a) Accumulations, deposits, leavings, litter, remains, refuse;
 - b) Refrigerators, freezers or other appliances;
 - c) Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - d) Inoperative motor vehicles and motor vehicle parts including but not limited to tires, mechanical equipment, mechanical parts, accessories or adjuncts to the motor vehicles and mechanical equipment;
 - e) Paper, cartons, fabrics or carpets;
 - f) Furniture;
 - g) Crockery;
 - h) Sewage.
- 1.7 **Garbage** means wasted or spoiled food and other refuse, as from a household, a thing that is considered worthless or meaningless, thrown away or rejected as worthless, unwanted waste material, factory or business waste material or things that are no longer wanted, useful, needed, broken or torn pieces left from the destruction of something larger and includes refuse, trash, rubbish and debris;
- 1.8 **Hobby Vehicle** means a vehicle that is actively being repaired or restored as a hobby for the owner/occupant of the property;
- 1.9 **Industrial Waste** means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that industrial waste extends to the following classes of waste material:
 - a) articles, things, matter or effluents, which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
 - i. agricultural, animal, vegetable, paper, lumber, or wood products;

- ii. mineral, metal, or chemical products;
- iii. whether or not the products are manufactured or otherwise processed;
- b) inoperative motor vehicles and motor vehicle parts including but not limited to tires, mechanical equipment, mechanical parts, accessories or adjuncts to the motor vehicles and mechanical equipment;
- c) Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- d) Containers or pallets of any size, type or composition;
- e) Material resulting from, or as part of, construction or demolition projects;
- f) Rubble, inert fill except loose soil, sand or gravel;
- g) Bones, feathers, hides;
- h) Sewage.

1.10 **Inoperative Motor Vehicle** includes but is not limited to a motor vehicle that:

- a) is unable to be operated as a result of being dismantled, broken or incomplete, decayed or dilapidated, in particular with missing or broken wheels, tires, body components or damaged or missing glass;
- b) deteriorated or removed metal components, which prevents its mechanical function;
- c) including commercial and industrial vehicles and equipment, snowmobiles, motorcycles, all-terrain vehicles, trailer, boats, marine equipment and trailers;
- d) bears a licence plate or plates that are not registered as being attached to that vehicle and / or the licence plate registration is not current and up-to-date, in accordance with the records of the Ministry of Transportation for the Province of Ontario.

1.11 **Landscaped Feature** includes but not limited to structures built upon the land, such as retaining walls, fences, floral planters, gazebos, patios, statues, fountains, pathways and decorative structures and a natural landscape feature or a human-created one.

1.12 **Motor Vehicle** includes an automobile, motorcycle, motor assisted bicycle, motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or a road-building machine unless otherwise indicated and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails;

1.13 **Naturalized Area** means a defined area of vegetation that is natural vegetation, has been deliberately planted or cultivated with species of wildflowers, shrubs, trees, annuals, perennials, ornamental grasses or combinations thereof consistent with a managed and natural landscape and includes the required buffer in the shoreline as required in Township Zoning By-Law, Development Permit By-law and or the Community Planning Permit By-law;

1.14 **Officer** means a By-law Enforcement Officer, Police Officer, Fire Chief or a person who is appointed by Council to enforce by-laws enacted and passed by Council or their designate;

- 1.15 **Order** shall mean a written notice to comply, a notice of violation or a notice to discontinue an activity, issued by an Officer;
- 1.16 **Owner** means the registered owner of the land and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;
- 1.17 **Person** in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau and agency or any director, officer, manager or person in charge of such entity or the collecting of rent of any property, or any other person who is the occupier of the property;
- 1.18 **Private Property** means property which is privately owned and is not Township property, property of a local board, property of the Crown in right of Ontario, the Crown in right of Canada;
- 1.19 **Property** means a building or structure, or part of a building or structure, and includes the premises appurtenant thereto and all mobile structures outbuildings, fences and erections thereon, whether heretofore or hereafter erected;
- 1.20 **Receptacles** shall mean a container for waste constructed of watertight material, be animal resistant, have a tight-fitting cover and shall be maintained in a clean and odor free condition;
- 1.21 **Refuse** means worthless material that is to be disposed of and includes garbage and waste material;
- 1.22 **Township** mean the Corporation of the Township of Lake of Bays;
- 1.23 **Vacant Land** means any parcel of land on which there is no building, structure or dwelling unit being used or occupied;
- 1.24 **Vehicle** means any bicycle, farm tractor, mobile home, motorcycle, road building machine, self-propelled implement of husbandry, trailer, truck, motor vehicle, all-terrain vehicle, mini-bike, carriage, wagon, sleigh, motorized snow vehicle, commercial vehicle, emergency vehicle, motor vehicle as defined by the Highway Traffic Act, R.S.O. 1990, or any other conveyance of persons or things on land.
- 1.25 **Waste** means garbage, refuse, debris and other material or effluent (including domestic waste and industrial waste) that, in the opinion of the Officer;
- a) appears to have been cast aside, discarded or abandoned; or,
 - b) appears to be worthless or useless or of no practical value; or,
 - c) appears to be used up, in whole or in part, expended or worn out in whole or in part;
- 1.26 **Yard** means the land within the boundary lines of a property and includes vacant land.

2. PROHIBITIONS

- 2.1 Every owner shall keep their yard or vacant land clear of all garbage, refuse and domestic or industrial waste of any kind;

- 2.2 No person shall use any land or structure within the Township for dumping, disposing, burying, storing or keeping of refuse domestic waste or industrial waste of any kind.
- 2.3 In determining compliance with Section 2.1 due considerations shall be made to the distinction between groomed lawns and naturalized, undeveloped areas and vacant land in particular in relationship to the surrounding environment.
- 2.4 No person shall use any part of their yard within the Township of Lake of Bays for depositing of any waste.
- 2.5 Every owner, lessee or occupant of land shall maintain said land to be clean and free from, but not limited to:
 - a) garbage, refuse, domestic waste or industrial waste;
 - b) refrigerator or freezer that is not located within a building;
 - c) rubbish, junk, discarded, refuse and/or garbage and objects or conditions that may create a health, fire or accident hazard;
 - d) wrecked, dismantled, discarded, unplated or abandoned or inoperative motor vehicle(s), boat(s), machinery or trailer(s) unless it is necessary for the operation of a business lawfully situated on the property;
 - e) the removal, trimming, or cutting of weeds and grass or ground cover more than 15 centimeters (6 inches) in height; See Exemptions Section 5.2 for more information;
 - f) boulevard areas adjacent to a their property are maintained so as the grass height is not greater than 15 centimeters (6 inches) to be in line with section 2.5 e) in the urban community areas as defined in the Townships Official Plan;
 - g) All landscaped features on their property are kept in good repair;
 - h) dead, dying, diseased, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition in relation to their environment. (dangerous).
- 2.6 No person shall throw, place or deposit waste material on Township property or District property without written authority of the Township or the District, except when within an active District Landfill or Waste Transfer Station, authority is implied when the property is open and staffed.
- 2.7 Every owner shall comply with the following conditions as it pertains to the surface condition of any yard to be maintained so as to:
 - a) ~~prevent instability or erosion of soil;~~
 - b) provide safe passage under normal use and weather conditions; ~~day or night;~~
 - c) be kept free of garbage and refuse; and
 - d) ~~be kept free of deep ruts and holes.~~

3. COMPOST

- 3.1 No person shall establish one or more compost piles or structures except in accordance with the following: See Exemptions Section 5.3 for more information:

- a) that the compost pile or structure is for the sole use of the owner or occupant(s) of the property on which the compost pile or structure is located;
- b) that only acceptable compostable material as outlined by the Ontario Ministry of the Environment and local health authorities are placed within the compost pile or structure;
- c) that the compost pile or structure shall not be located in any front yard as defined in Townships' Community Planning Permit By-law and shall be located no closer than 2 metres from any side or rear property line;
- d) that the each compost pile or structure is no larger than one square metre wide and one metre long and 1.5 metres in height;
- e) that the compost pile or structure is enclosed on all sides by concrete block, lumber or similar structure or a commercial plastic container designed for composting;
- f) no more than 2 3 compost piles or structures are permitted on any property.

4. WASTE DISPOSAL AND LITTERING

- 4.1 No person shall throw, place or deposit or in any manner put refuse or debris on private property without the written authority of the property owner.
- 4.2 No owner shall use a motor vehicle for the storage of garbage, rubbish, debris, waste material or similar materials.
- 4.3 Every owner of a building with multiple dwelling unit(s) and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, rubbish, refuse and ashes that may accumulate on the property.

5. EXEMPTIONS

The following exemptions apply with respect to the requirements of this By-law:

- 5.1 Sections 2.5 a), b) and d) do not apply to the extent that when the matter prohibited therein is necessary for the operation of a business lawfully situated on the property pursuant to the Townships' Community Planning Permit By-law.
- 5.2 Section 2.5 e) does not apply to a Naturalized Area, a property zoned as agricultural, rural, waterfront residential and waterfront commercial where a minimum of 20 meters (65.5' feet) from the shoreline as per the vegetation provisions in the Community Planning Permit By-law.
- 5.3 Section 3.1 does not apply to a property being used for agriculture or permitted commercial uses in accordance with the Community Planning Permit By-law.
- 5.4 Section 2.5(d) shall not apply to an Owner who is actively restoring not more than one hobby vehicle provided the vehicle is stored in an enclosed structure or located in a manner so as to be screened from view by neighbouring residents and from adjacent roadways;

- 5.5 This By-law does not apply to land or structures owned or used by the Government of Canada, the Province of Ontario the District of Muskoka or the Township of Lake of Bays for the purpose of dumping or disposing of refuse under Federal, Provincial, District or Municipal authority.

6. ORDERS

- 6.1 If an Officer is satisfied that a contravention of this By-law has occurred, they may issue an order, requiring every person who has contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.
- 6.2 The Order shall set out:
- a) particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b) the work to be done; and
 - c) the date by which the work shall be completed.
- 6.3 An Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address for which the work is to be done as shown in the most current tax records and/ or deed in accordance with the records of the Land Registry Office.
- 6.4 The Officer may, through the Order, require the owner to:
- a) clean, clear or remove from the land any refuse of any kind;
 - b) cease using the land for the dumping or disposing of refuse of any kind;
- 6.5 No person shall fail to comply with a Work Order issued pursuant to Section 6.1.
- 6.6 In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient of serving the Order on the property owner.
- 6.7 An Order under Section 6.1 may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.

7. REMEDIAL ACTION

- 7.1 When an Order has been issued to direct or require an owner or person to do a matter or thing, the owner or person shall abide by the Order.
- 7.2 The owner or person who is in default of an Order not being abided by or something not being done by the person directed or required to do so. The Township may cause anything to be done that was stated in an Order including but not limited to, cause the matter or thing to be cleaned, cleared and the removal of refuse of any kind, done at the person's named in the orders expense.
- 7.3 Where any of the matters or things are removed in accordance with Section 7.2, the matters or things may be immediately disposed of.

- 7.4 The Township shall recover the expense in doing a matter or thing referred to in Section 7.2 by invoicing the person directed to do it. If payment is not received by the time indicated on the invoice, then the Township may add the costs to the tax roll and collecting them in the same manner as property taxes.

8. ENTRY AND INSPECTION

- 8.1 An Officer may at any reasonable time, enter onto a property to determine whether this By-law is being complied with.
- 8.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 8.3 Every Person who has alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request; failure to do so shall be deemed to have hindered or obstructed an Officer under section 8.2 of this by-law.

9. PENALTIES

- 9.1 Every Person who contravenes this By-law may be subject to the following:
- a) Administrative Penalty, as permitted under section 434.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended;
 - b) Set fines as permitted under the Provincial Offences Act; and/or
 - c) Fees or additional charges, which may be amended from time to time.
- 9.2 Every Person, Owner, Director of a Corporation who concurs in such contravention by the Corporation, is guilty of an offence and may be subject to an Administrative Penalty or set fine.
- 9.3 Every Person who contravenes any provision of this By-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 9.4 Every Person, ~~other than a company~~ who contravenes any provision of this Bylaw, and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 9.5 Where a Corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 9.6 Where a Person has been convicted for an offence under this By-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

- 9.7 For the purpose of this by-law, each day of a continued offence shall be deemed to be a separate offence.

10. ADMINISTRATIVE PENALTIES

- 10.1 Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and may be subject to an Administrative Penalty or as an offence and conviction liable to a fine in keeping with the provisions of the Provincial Offences Act.
- 10.2 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- 10.3 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 10.2, be liable to pay to the Municipality an administrative penalty in the amount as noted within the Fee and Charges Bylaw.
- 10.4 An Officer has the right to issue an elevated fine as noted under the Fee and Charges By-law, when a violation has reoccurred at the same property or by the same Person.
- 10.5 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- a) particulars of the contravention, including to which property it applies;
 - b) the amount of the administrative penalty;
 - c) a statement advising that an administrative penalty will constitute a debt to the Municipality.
 - d)
- 10.6 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 10.7 An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the property on which the offence occurred.
- 10.8 Every person who receives an Administrative Penalty shall not be issued a Provincial Offences Notice under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, for the same contravention and date of contravention.

11. SEVERABILITY

- 11.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

12. ENFORCEMENT

- 12.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police, Simcoe Muskoka District Health Unit, District of Muskoka or the Lake of Bays Fire Department to enforce this by-law at any time.

13. EFFECTIVE DATE

- 13.1 That this By-law shall come into force and effect on the passing of this by-law.

14. SCHEDULES

- 14.1 Schedule “A” as attached forms part of this by-law.

15. TOWNSHIP NOT LIABLE

- 15.1 The Township assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any person or property that is subject of this by-law.

READ and PASSED this **14th** day of **April, 2026**.

Mayor - Terry Glover

Clerk - Carrie Sykes

By signing this by-law on April 14th, 2026, Mayor Terry Glover will not exercise his power to veto this by-law.

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
PART I PROVINCIAL OFFENCES ACT
BY-LAW NO. 2026-040 – Clean Yards By-law**

SCHEDULE “A”

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Fail to keep yard or vacant land clear	2.1	\$300.00
2	Use yard or structure for dumping refuse of any kind	2.2	\$300.00
3	Use land or structure for disposing refuse of any kind	2.2	\$300.00
4	Use land or structure for burying refuse of any kind	2.2	\$300.00
5	Use land or structure for storing refuse of any kind	2.2	\$300.00
6	Use land or structure for keeping refuse of any kind	2.2	\$300.00
7	Use Yard to deposit waste	2.4	\$300.00
8	Fail to keep land free from garbage, refuse, domestic or industrial waste	2.5(a)	\$300.00
9	Fail to keep land free from a refrigerator or freezer	2.5(b)	\$300.00
10	Fail to keep yard free from health, fire or accident hazard	2.5(c)	\$300.00
11	Fail to keep yard free from inoperative motor vehicle(s)	2.5(d)	\$300.00
12	Fail to remove ground cover greater than 15 cm (6 inches) in height	2.5(e)	\$300.00
13	Fail to remove ground cover greater than 15 cm (6 inches) in height from boulevard	2.5(f)	\$300.00
14	Fail to keep landscaped features in good condition	2.5(g)	\$300.00
15	Fail to remove dead, dying, diseased, decayed, damaged or dangerous tree(s)	2.5(h)	\$300.00
16	Throw waste material on Township or District property without written authority	2.6	\$300.00
17	Place waste material on Township or District property without written authority	2.6	\$300.00

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
PART I PROVINCIAL OFFENCES ACT
BY-LAW NO. 2026-040 – Clean Yards By-law**

SCHEDULE “A” cont.

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
18	Deposit waste material on Township or district property without written authority	2.6	\$300.00
19	Use compost pile or structure other than owner	3.1(a)	\$300.00
20	Place prohibited items in compost pile or structure	3.1(b)	\$300.00
21	Locate compost pile or structure within 2m of a property line	3.1(c)	\$300.00
22	Compost pile or structure larger than permitted	3.1(d)	\$300.00
23	Compost pile or structure not constructed properly	3.1(e)	\$300.00
24	Have more than two compost pile(s) or structure(s) on a property	3.1(f)	\$300.00
25	Throw refuse on Private Property without written authority	4.1	\$300.00
26	Place refuse on Private Property without written authority	4.1	\$300.00
27	Deposit refuse on Private Property without written authority	4.1	\$300.00
31	Use Motor Vehicle for the storage of refuse	4.2	\$300.00
28	Owner did fail to provide sufficient suitable receptacles for refuse	4.3	\$300.00
32	Fail to comply with an order	7.1	\$300.00
33	Hinder or obstruct an officer from performing their duty	8.2	\$300.00

NOTE: The general penalty provision for the offences listed above is Section 9.0 and 10 inclusive of By-law 2026-040, a certified copy of which has been filed.