

## THE CORPORATION OF THE TOWN OF MIDLAND

### **BY-LAW 2025-23**

A By-law to require and regulate the filling up, draining, cleaning and clearing of any grounds, yards, or vacant lots within the Town of Midland and repeal By-law 2011-27.

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

**AND WHEREAS** Section 445 of the Municipal Act, 2001, S.O., 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., c.25, as amended, authorizes municipal remedial action, entry onto land, recovery of costs and addition of costs to the tax roll;

**AND WHEREAS** it is deemed expedient that the Council of the Corporation of the Town of Midland enact a clean yards by-law;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF MIDLAND ENACTS AS FOLLOWS:**

This By-law shall be known as the “**Clean Yards By-law**”.

#### **1.0 DEFINITIONS**

For the purpose of this By-law, the following definitions shall apply:

**“Approved Container”** means containers that are approved for the collection of various types of **Waste** as described in the **County of Simcoe Solid Waste Management By-law**.

**“Boat”** includes any vessel which floats or is designed to float 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 crafts, scows, personal water craft, canoes, row boats, pontoon boats, kayaks, and commercial boats, when on the water or on land.

**“Collection Services”** means curbside services provided by the County of Simcoe for removal of garbage, organics, recyclables, and special waste materials from serviced units as defined in the **County of Simcoe Solid Waste Management By-law**.

**"Compost"** means a collection of humus material such as but not limited to, kitchen and table waste, grass clippings, plant trimmings, **Weeds** or other leaves.

**"Council"** means the Council of the Corporation of the Town of Midland.

**"County of Simcoe Solid Waste Management By-law"** means the current version of the County of Simcoe Solid Waste Management By-law.

**"Derelict Boat"** means a **Boat** that is wrecked, dismantled, inoperative, discarded or unused and any component or part thereof.

**"Derelict Vehicle"** means any vehicle or trailer as defined under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, that is wrecked, dismantled, inoperative, discarded, unused or unlicensed.

**"Dilapidated"** means decayed, deteriorated or fallen into partial ruin.

**"Domestic Waste"** means any debris, rubbish, garbage, article, matter of effluent usually belonging to or associated with a residence, household or dwelling unit and includes but is not limited to:

- (i) Accumulations or deposits of litter, **Refuse**, rubbish, junk, and trash;
- (ii) The accumulation or deposits of food waste, grass clippings, **Weeds**, leaves, brush, tree and garden cuttings except if located within properly kept and maintained **Compost** piles;
- (iii) Refrigerators, freezers, stoves or any other appliance or furniture;
- (iv) Furnace, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (v) **Derelict Vehicles**, parts thereof and vehicle tires mounted or unmounted on rims;
- (vi) **Derelict Boats** and all parts thereof including all types of motors or engines;
- (vii) Paper, cartons, cardboard, clothing;
- (viii) Rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
- (ix) New or used building materials resulting from or once used for the purpose of construction, alteration, repair or demolition of any building or structure;
- (x) Human or animal waste.

**"Grass"** means all forms, types and species of grasses.

**"Ground Cover"** means organic or non-organic material applied to prevent the erosion of the soil which includes but not limited to concrete, flagstone, gravel, asphalt, **Grass**, **Weeds**, artificial turf or other forms of landscaping.

**"Industrial Waste"** means any debris, rubbish, garbage, article, matter or 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 but is not limited to the following:

- (i) Articles, things, matter or effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of, agricultural, animal, vegetable, paper, lumber, or wood products, or mineral, metal or chemical products;
- (ii) **Derelict Vehicles**, parts thereof and vehicle tires mounted or unmounted on rims;
- (iii) **Derelict Boats** and all parts thereof including all types of motors or engines;
- (iv) Mechanical equipment or any parts thereof;
- (v) Containers of any size, type or composition;
- (vi) Material resulting from, or as part of, construction or demolition projects;
- (vii) Paper, cardboard, packaging or wrapping;
- (viii) Rubble or inert or contaminated fill;

**"Officer"** means a Municipal Law Enforcement Officer or any other person appointed by the **Town** to enforce the provisions of by-laws.

**"Order"** means an Order to Remedy or Order to Comply issued under this By-law

**"Owner"** includes:

- (a) The registered owner of the **Property**;
- (b) 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

- (c) 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 provisions of this by-law.

**“Person”** includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law.

**“Property”** means any grounds, yards or **Vacant Land**.

**“Property Standards By-law”** means the current version of the **Town’s** Property Standards By-law.

**“Refuse”** means debris, **Domestic Waste** and/or **Industrial Waste** as defined within this By-law and materials or effluent that, in the opinion of the **Officer**:

- (i) Appears to have been cast aside, discarded or abandoned; or
- (ii) Appears to be worthless or useless or of no practical value; or
- (iii) Appears to be used up, in whole or in part, or expended or worn out in whole or in part;

**“Scavenge”** means to pick over, collect, remove, scatter or interfere with **Waste**, **Refuse** or garbage left out for **Collection Services**.

**“Serviced Unit”** means a property eligible for **Collection Services** as described within the **County of Simcoe Solid Waste Management By-law**.

**“Stagnant Water”** includes but is not limited to water that is void of movement by either natural or artificial means and includes moisture or water that may cause health hazards as identified by any agency such as the Simcoe Muskoka District Health Unit.

**“Town”** Means the Corporation of the Town of Midland or the land within the geographic limits of the Corporation of the Town of Midland as the context requires.

**“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** which means but is not limited to:

- (i) Flammable **Refuse**, overgrown **Grass** and **Weeds** or untrimmed underbrush, timber, lumber and other wood products;
- (ii) An unfenced or unprotected pit, excavation, hole or other declivity which creates a safety hazard;

- (iii) A building, part or all of which is **Dilapidated** or liable to collapse from weight of snow, force of wind, human occupancy or other causes;
- (iv) Machinery, automotive equipment and building materials or any other material in disuse which are not properly enclosed and protected;
- (v) Any other circumstance that creates or is likely to create a risk of fire or other accident;
- (vi) Any well which is unprotected or where the presence of a well creates a risk of accident or injury; or
- (vii) Spilled or leaked substances including but not limited to fuels and chemicals which cause a risk of contamination to the lands.

**“Vacant Land”** means any parcel of land capable of being conveyed and on which there is no structure or building being used or occupied or where no land uses are established.

**“Weeds”** means, any weed or plant as defined in the *Weed Control Act, R.S.O. 1990, c. W. 5*, as amended, or any plant that is deemed to be a noxious weed under section 10(1) or designated as a noxious weed under section 24 (1) of that Act, as amended and all **Weeds** posing a human health hazard.

## 2.0 GENERAL PROVISIONS

2.1 Every **Owner** shall keep their **Property** or **Vacant Land** free from all **Unsafe Conditions**, adequately drained, graded, clean and cleared up.

2.2 For the purposes of section 2.1, “clean and cleared up” includes:

- (a) The removal of dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an **Unsafe Condition** in relation to their environment;
- (b) The removal of **Stagnant Water** with the exception of lands designated as Environmental Protection within the current version of the **Town’s** Zoning By-law;
- (c) The removal of all **Refuse**, garbage, **Domestic Waste** or **Industrial Waste**;
- (d) The removal or control of all **Weeds**;
- (e) The removal, trimming or cutting of **Grass**, **Weeds** or **Ground Cover** more than 20 centimetres (8 inches) in height from June 1<sup>st</sup> to December 1<sup>st</sup> of each year.

- 2.3 No **Person** shall use any **Property** or structure within the **Town** for dumping or disposing or storing or keeping of garbage, **Refuse** or **Domestic Waste** or **Industrial Waste** of any kind.
- 2.4 Except as provided in the current version of the **Town's** Zoning by-law, no **Person** shall use any **Property** or structure for storing motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for one's own use, sale or other disposal.
- 2.5 This By-law does not apply to:
- (a) **Property** or structures used by the **Town** for the purpose of dumping or disposing of garbage or **Refuse**, **Domestic Waste** or **Industrial Waste**; or
  - (b) **Property** designated by by-law of the **Town** for the purpose of dumping or disposing of garbage, **Refuse**, **Domestic Waste** or **Industrial Waste**.
- 2.6 Nothing in this by-law shall be interpreted to prohibit or prevent the use of a **Compost** pile for the composting of **Domestic Waste** in accordance with the provisions regarding **Compost** piles as described within the **Town's Property Standards By-law**.

### 3.0 WASTE COLLECTION

- 3.1 No Person shall:
- (a) Set out any **Waste** for **Collection Services** unless it is in an **Approved Container**, properly sorted and prepared as required under the **County of Simcoe Solid Waste Management By-law**;
  - (b) Allow or permit any liquid matter from **Waste** to flow or drain upon streets, roadways, ditches, gutters, public or private lands, and fail to clean up any such mess or debris;
  - (c) Permit or fail to prevent any animal to pick over, interfere with, remove or scatter any **Waste** generated at their **Serviced Unit** or fail to clean up any such mess that is created;
  - (d) Leave **Waste** set out for **Collect Services** beyond 7 a.m., after the day of **Collection Services** for the particular **Waste** have been completed for the **Serviced Unit**; or
  - (e) **Scavenge** any **Waste** or cause or permit the **Scavenging** of any **Waste** set out for **Collection Services**.

#### 4.0 ENTRY AND INSPECTIONS

- 4.1 An **Officer** may at any reasonable time, enter upon any land and into structures other than a place actually used as a dwelling without notice for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law are being contravened or to determine if a notice or **Order** has been complied with or to carry out any remedial action required.

#### 5.0 NOTICES AND ORDERS

- 5.1 If an **Officer** is satisfied that a contravention of this By-law has occurred, the **Officer** may make a notice or **Order** requiring the **Person** who contravened the By-law or who cause or permitted the contravention or the **Owner** of the land on which the contravention occurred to do work to correct the contravention.
- 5.2 The notice or **Order** shall include:
- (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
  - (b) The work required to correct the contravention;
  - (c) The date by which the work shall be completed.
- 5.3 A notice or **Order** issued under this By-law may be served personally and/or served by sending it via regular mail, registered mail and/or email to the last known address of:
- (a) The **Owner** of the **Property** at the address shown on the municipal tax roll;
  - (b) The **Person** identified as contravening this By-law;
  - (c) If sent via email, the notice or **Order** shall be sent to the last known email address of the **Person(s)** or corporation(s) in which the notice or **Order** is addressed to.
- 5.4 Where service of a notice or **Order** is made by regular mail or registered mail, the notice or **Order** shall be deemed served on the fifth (5<sup>th</sup>) day after the notice or **Order** is mailed.
- 5.5 Where service of a notice or **Order** is made by email, the notice or **Order** shall be deemed served on the third (3<sup>rd</sup>) day after the notice or **Order** was emailed or upon a response from any recipient of the notice or **Order**.
- 5.6 In addition to service under section 5.4 and 5.5, a notice or **Order** may also be posted on the **Property** in a location visible to the public. If an **Order** is posted on

the **Property**, it shall be deemed served on the same day that the notice or **Order** is posted.

- 5.7 Only one (1) notice or **Order** per calendar year is required. If, after a notice or **Order** has been served in accordance with this by-law, and an **Officer** determines that a subsequent contravention has occurred, an **Officer** may proceed with the remedy set forth in Section 6.1 without further notice.
- 5.8 No **Person** shall fail to comply with a notice or **Order** issued under the authority of this By-law.

## 6.0 REMEDIAL ACTION

- 6.1 Where the **Owner** is in default of doing the matter or thing required to be done under this by-law, an **Officer** may have the **Property** filled up, drained, cleaned or cleared, by any means necessary to achieve compliance with this by-law.
- 6.2 Where any of the matters or things are removed in accordance with Section 6.1, the matters or things may be immediately disposed of.
- 6.3 The **Town**, its employees or authorized agents have performed the work required to bring a **Property** into compliance with the by-law, all expenses incurred by the **Town** in doing the work as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the **Property**.

## 7.0 ADMINISTRATION AND ENFORCEMENT

- 7.1 This by-law shall be administered and enforced by an **Officer**, their designate or any person appointed or otherwise delegated the authority of administration and enforcement.
- 7.2 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. Any **Person** who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the **Officer** upon request, failure to do so shall be deemed to have obstructed or hindered the **Officer** in the execution of their duties.
- 7.3 The **Town** assumes no liability for **Property** damage or injury resulting from remedial action, remedial work and enforcement undertaken with respect to any **Person** or **Property** that is subject to the provisions of this by-law.

## 8.0 PENALTY

- 8.1 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law



- by the corporation is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.
- 8.2 Each day on which a person contravenes any provisions of this bylaw shall be deemed to constitute a separate offence under this bylaw as provided for in section 429(2) of the *Municipal Act*, S.O. 2001, c. 25.
- 8.3 Every person who contravenes the provisions of any section of this By-law, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$50,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 8.4 Every director or officer of a corporation who contravenes any provisions of the By-law is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 8.5 If there is a contravention of any provision within this By-law, and the contravention has not been complied with or corrected, the contravention of the provisions shall be designated as a continuous offence for each day or part of a day that the contravention remains uncorrected;
- 8.6 For the purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is deemed a multiple offence.
- 8.7 For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 8.8 For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 8.9 Notwithstanding Section 7.7 and 7.8, and in accordance with the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

- 8.10 Every person or owner who contravenes any section of this By-law shall, upon issuance of a penalty notice in accordance with the **Town's** Administrative Monetary Penalty System By-law, be liable to pay the **Town** an Administrative Monetary Penalty.

## **9.0 VALIDITY AND SEVERABILITY**

- 9.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

## **10.0 TRANSITION**

- 10.1 The repeal of by-laws referred to in Section 11.1 shall not affect any offence committed against the provisions of the by-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.

## **11.0 REPEAL**

- 11.1 That By-law 2011-27 and all amendments thereto are hereby repealed and replaced with this By-law.

## **12.0 EFFECTIVE DATE**

- 12.1 This By-law shall come into force and effect on the date of passage.

**BY- LAW PASSED AND ENACTED THIS 9<sup>TH</sup> DAY OF APRIL 2025.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

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**BILL GORDON – MAYOR**

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**SARAH CATHCART – DEPUTY CLERK**

**THE CORPORATION OF THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
**By-law 2025-23: Clean Yards By-law**  
**Set Fines**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
1	Fail to keep property free from unsafe condition	2.1	\$300.00
2	Fail to keep property adequately drained	2.1	\$300.00
3	Fail to keep property graded	2.1	\$300.00
4	Fail to keep property clean and cleared up	2.1	\$300.00
5	Use property or structure to dump or dispose or store or keep garbage or refuse or domestic waste or industrial waste	2.3	\$300.00
6	Use property or structure to store motor vehicle for the purpose of wrecking or dismantling	2.4	\$300.00
7	Use property or structure to store motor vehicle for the purpose of salvaging parts for the use or sale or disposal	2.4	\$300.00
8	Set out waste not in approved container	3.1(a)	\$300.00
9	Set out waste not properly sorted	3.1(a)	\$300.00
10	Allow liquid matter to drain/flow off property	3.1(b)	\$300.00
11	Fail to clean up liquid matter	3.1(b)	\$300.00
12	Permit animal to pick over, interfere or scatter waste	3.1(c)	\$300.00
13	Fail to prevent animal from picking over, interfering or scattering waste	3.1(c)	\$300.00
14	Leave waste out beyond 24 hours after collection	3.1(d)	\$300.00
15	Scavenge waste set out for collection services	3.1(e)	\$300.00
16	Fail to comply with a notice	5.8	\$300.00
17	Fail to comply with an order	5.8	\$500.00
18	Hinder or obstruct an Officer	7.2	\$300.00

**NOTE: The penalty provision for the offences indicated above is section 8.1 of By-law 2025-23, a certified copy of which has been filed.**