

## THE CORPORATION OF THE TOWN OF CALEDON

### BY-LAW NO. 2022-XX

A by-law to amend By-Law No. BL-2016-063, the Clean Yards By-Law, in order to regulate maintenance and care of land

WHEREAS Section 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly to enable a municipality to govern its affairs as it considers appropriate and enhance its ability to respond to municipal issues;

AND WHEREAS Section 8, 9 and 11 of the *Municipal Act, 2001* permits a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2), authorize by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS Section 11 (3) of the *Municipal Act, 2001* provides that a local municipality may pass by-laws regulating highways under its jurisdiction;

AND WHEREAS Section 128 of the *Municipal Act, 2001* authorizes the Council to pass by-laws with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances

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 and add the cost to the tax roll;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it expedient to amend By-law 2016-063, being a by-law to regulate maintenance and care of land, in order to make adjustments for boulevard maintenance and improved enforcement;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. Section 1 Definitions of By-Law BL-2016-63, be amended by deleting the definitions of "grass" and "tall grass" and adding the following definitions alphabetically:

"*Adjacent boulevard*" means the *boulevard* immediately adjacent to the front, side, rear or exterior side of a property.

"*Boulevard*" means the portion of a *highway* which may be paved, unpaved, grassed or landscaped with other materials, and is situated between the curb or edge of pavement and the adjacent property line on both sides of a *highway*.

"*Highway*" means a common and public roadway, avenue, parkway, *boulevard*, driveway, square, place, bridge, cul-de-sac, viaduct or trestle, any part of which is intended for or used by the general public for passage of vehicles or pedestrians, and includes the area between the lateral property lines thereof;

"*tall grass*" means grass and weeds which exceeds twenty (20) centimetres (approximately eight (8) inches) in height.

"*Zoning By-law*" means the *Town's Zoning By-law*, as amended.

2. Section 6 of By-Law BL-2016-63 be deleted in its entirety and replaced with the following:

6 Every *owner* shall maintain the *yard* free of *tall grass*.

3. Adding the following sections to By-Law BL-2016-63 immediately after Section 6:

**Boulevard Maintenance**

- 7 Every *owner* of land shall maintain the *adjacent boulevard* free of *refuse*.
- 8 Every *owner* of land shall maintain the *adjacent boulevard* free of *tall grass*.
- 9 Section 8 does not apply to *owners* of land zoned agricultural or rural, pursuant to the *Zoning By-law*.

4. Staff are to complete any resulting clerical changes within By-Law BL-2016-63.

**Enactment**

This By-law shall come into full force and effect on the day of its passing.

**Enacted by the Town of Caledon Council this 29th day of March, 2022.**

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Allan Thompson, Mayor

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Laura Hall, Town Clerk

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