

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 62-2025

Being a By-law to Regulate and Govern Yard Maintenance in the Town of Kingsville

Whereas Sections 8 and 9 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, (the “Municipal Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate;

And whereas Section 11(2)(6) of the Municipal Act provides that a lower tier municipality may pass by-laws respecting the health, safety, and well-being of persons;

And whereas Section 127 of the Municipal Act provides that a local municipality may regulate when and how an Owner or occupant of land may be required to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

And whereas Section 128 of the Municipal Act provides that a local 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 provides that a local municipality to prohibit and regulate the use of any land 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 Section 391 of the Municipal Act provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

And whereas Section 436 of the Municipal Act provides that a municipality may pass by-laws providing that a municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence issued by the municipality;

And whereas Sections 445 and 446 of the Municipal Act respectively, provides for the municipality to make an order requiring a person who contravenes a by-law or who causes or permits the contravention or the Owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

And whereas it is deemed desirable to pass a by-law for the maintenance of land to prevent a nuisance or public health and safety hazard;

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

Definitions

1. In this By-law:

“**Accessory Structure**” means a detached structure that is secondary to the main Building on the Property, serving a purpose incidental to the principal use of the Property;

“**Building**” means any structure greater than 108 square feet, whether temporary or permanent, used or intended for sheltering any use or

occupancy, but shall not include a fence, travel trailer, camping trailer, truck camper, motor home or tent;

“Deposit” means throw, place, blow or set down;

“Dwelling” means a Building, occupied or designed to be occupied, exclusively as a home, residence or sleeping place by one or more Persons;

“Ground Cover” means plants or shrubs characteristically forming an extensive dense growth close to earth;

“Highway” means a common and public right of way, street, road, highway or common way vested in the Town, the county, the province or any other public authority having jurisdiction over the same and includes a bridge, sidewalk, or any other structure in the public right of way, or part thereof;

“Hot Tub” means a tub filled with hot aerated water used for recreation or physical therapy, and includes the type of pools commonly referred to as whirlpool, swim spa, jacuzzi, spa, or hydro-massage pool;

“Inoperative Vehicle” means a licensed or unlicensed vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes both a motor and electric vehicle that does not have affixed to it a valid licence plate;

“Means of Egress” means a continuous, unobstructed path from any point in a Building to a place of safety, such as an open public thoroughfare;

“Noxious Weed” means weeds designated under the *Weed Control Act* including any weed designated as a local or noxious weed under a by-law of the Town passed under the Municipal Act;

“Officer” means any employee, officer or agent of the Town who is appointed and/or retained to enforce the by-laws of the Town, including the Supervisor of By-law Enforcement, Chief Building Official, Building Inspectors, Property Standards Officers, and By-law Enforcement Officers;

“Owner” means the registered Owner, Owner in trust, a mortgagee in possession, a Person who is managing or receiving the rent of the Property, a lessee or a Person who is in control of the Property and includes a Person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s);

“Occupant” means any person(s) eighteen (18) years of age or older in possession of the Property;

“Person” means an individual, firm or corporation, or any group or association of individuals;

“Property” means any means any real Property within the geographical boundaries of the Town of Kingsville, and **“Lot”** shall have a corresponding meaning;

“Refuse” means any article, thing, matter, substance or effluent that is or appears to be: cast aside, discharged or abandoned, discarded from its usual and intended use, used up in whole or in part or is expended or worn out in whole or in part, belonging to or associated with a house or household or any industry, trade or business, including but not limited to:

- i. grass clippings, weeds, tree and garden cuttings, brush, leaves and garden waste;
- ii. paper, cardboard, clothing, lumber, metal or wood products;
- iii. household appliances and furniture;
- iv. inoperable vehicles, vehicle parts and accessories, mechanical equipment, trailers; and
- v. materials resulting from, or as part of, construction or demolition projects, such as piping, tubing, conduits, wires, or other accessories;

“Shipping or Storage Container” means an industrial, standardized, reusable vessel designed for the temporary movement and storage of goods;

“Swimming Pool” means any manmade structure that may be used to contain water for the purpose of swimming, wading or bathing purposes, but shall not include a manmade pond, an irrigation lagoon that is used for agricultural purposes, a temporary excavation below the water table, a portable wading pool that is emptied after each use, or a Hot Tub;

“Town” means The Corporation of the Town of Kingsville;

“Untraveled Portion of Highway” means the portion of highway adjacent to the roadway/ shoulder including the ditch, grassy boulevard, and the sidewalk.

“Zone” means an area delineated on a map schedule of the Town’s Comprehensive Zoning By-law, as amended or replaced from time to time, and “Zoned” shall have a corresponding meaning.

Scope

- 2. This By-law shall apply to all Persons and Property within the geographic boundaries of the Town including Occupants and Owners of Property.
- 3. This By-law does not apply to the Town, the Corporation of the County of Essex, and the Essex Region Conservation Authority.

Grass, Weeds and Ground Cover

- 4. Every Owner of Property in every primary and secondary settlement area, as shown as the shaded area on the attached map, shall ensure the grass, weeds and Ground Cover on their Property are trimmed or cut to a height of 25 centimeters (10 inches) or less.
- 5. Every Owner of Property shall destroy and remove Noxious Weeds.

Trees and Landscaping

- 6. Every Owner of Property shall ensure that the yard is kept free of dead, decayed or damaged trees or other natural growth, and the branches or limbs thereof which create an unsafe or unsightly condition.
- 7. Every Owner of Property shall ensure that all dead, diseased or decaying hedges, plantings, trees, or other landscaping which may be a hazard in the opinion of the Officer be removed or returned to a healthy condition.
- 8. Every Owner of Property shall ensure hedges, shrubs, trees and other landscaping on a Property shall be maintained in a healthy condition that is not unreasonably overgrown, in the opinion of the Officer, and does not:
 - a. interfere with or adversely affect the health and safety of the public;

- b. wholly or partially conceal or interfere with the use of any public infrastructure;
- c. obstruct a Means of Egress from a Property or Dwelling.

Refuse

- 9. Every Owner of Property shall keep their land free and clear of Refuse.
- 10. No Person shall Deposit any Refuse on private Property or Town-owned Property.
- 11. No Person shall Deposit leaves, grass clippings, dirt, or snow on a Highway, sidewalk, Town-owned Property or on private Property unless permission has been granted by the private Property owner.
- 12. Every Owner or Occupant of Property shall maintain the Property free from rodents, vermin or other pests and free from conditions that may attract such.

Non-Applicability to Agricultural Operations

- 13. Notwithstanding Sections 4 to 12 of this By-law, nothing in these sections shall be deemed to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Protection Act, 1998*, S.O. 1998, c.1, as amended, from carrying out a "normal farm practice" as defined by that Act.

Maintenance of Abutting Untravelled Portion of Highway

- 14. Every Owner of Property shall ensure that the Untravelled Portion of Highway abutting their residential home on their Property be kept free of Refuse and shall ensure that grass and Ground Cover is trimmed or cut to a height of 25 centimetres (10 inches) or less and shall ensure that weeds are removed or destroyed.

Inoperative Vehicles and Machinery

- 15. No Person shall keep Inoperative Vehicles or parts thereof upon a yard. Vehicles lacking current valid license plates shall be parked or stored only within an enclosed private garage or other buildings on the Property that is properly Zoned by the Town to permit that use.
- 16. Every Owner of Property, including vacant Lots, shall ensure every yard is kept clean and free from unusable, wrecked, dismantled, discarded or partially dismantled or abandoned appliances, machinery, boats, vehicles, trailers or parts thereof.
- 17. Notwithstanding Section 15 of this By-law, inoperative agricultural machinery and inoperative agricultural vehicles may be kept on a Property Zoned agricultural, provided that the inoperative agricultural machinery or inoperative agricultural vehicles are neatly placed or arranged so as not to create a safety or health hazard to Persons on the Property, in the opinion of the Officer.
- 18. No Person shall use any Property in the Town for storing Inoperative Vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including for purposes of repairing other vehicles except where appropriately Zoned by the Town to permit that use.

Standing Water

- 19. Every Owner of Property shall ensure that any depression in or on the yard is kept free of standing water and that all depressions do not hold

standing water for a period of more than four (4) days, under normal weather conditions.

20. Every Owner of Property shall maintain Swimming Pools, Hot Tubs, and artificial ponds in good repair and working condition.
21. Notwithstanding Section 20 of this By-law, every Owner of Property shall take all necessary steps to prevent or remove standing water when a Swimming Pool is not open and operational.

Temporary Storage Containers

22. No Person shall use any Property for the storage of Shipping or Storage Containers unless appropriately Zoned by the Town to permit that use and all applicable building permits have been obtained.
23. Notwithstanding Section 22 of this By-law, temporary use of Shipping or Storage Containers is permitted where:
 - a. there is no more than one (1) such container on a Property at a time;
 - b. it is not present on the Property for more than sixty (60) days; and
 - c. it is not deemed unsafe or unhealthy in the opinion of the Officer.

Enforcement

24. The provisions of this By-law may be enforced by an Officer.
25. In accordance with Section 436 of the Municipal Act, an Officer may enter on land, and into buildings, at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
26. For the purpose of conducting an inspection pursuant to 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; 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.
27. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring a Person to discontinue the contravening activity or to do work to correct the contravention.
28. An order made under this By-law shall set out the following:
 - a. reasonable particulars of the contravention adequate to identify the contravention;
 - b. the location of the land on which the contravention occurred;
 - c. the work to be completed; and
 - d. the date(s) by which there must be compliance with the order.

29. An order under this By-law may require work to be done even though the facts which constitute the contravention of the By-law were present before this By-law came into force.
30. An order under this By-law may be served Personally, or by registered mail to the address of any Person on file with the Town, or by posting the notice on the land in a conspicuous place.
31. Where an order made under this By-law has not been complied with within the time prescribed, an Officer and/or any authorized agent acting on behalf of the Town may enter onto the Property at any reasonable time and carry out the work described in the order.
32. No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

Recovery of Costs

33. Where the Town has carried out the work pursuant to Section 32 of this By-law, the expenses incurred by the Town in completing the work, in addition to any other remedy, may be added to the tax roll for the Property and collected in the same manner as municipal taxes, including any fee prescribed in the Town's Fees and Charges By-law in effect at the time.

Penalty

34. Every Person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, pay a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, exclusive of costs.
35. A 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 to a fine, and such other penalties, in accordance with the Municipal Act, as amended.
36. If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any other court of competent jurisdiction, may 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.

Interpretation

37. This By-law shall be known as the "Yard Maintenance By-law".
38. If any section, subsection, schedule, appendix or part, or parts of this By-law are declared by any Court of Law to be invalid, illegal or ultra vires, such section, subsection, schedule, appendix or part, or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.
39. If there is a conflict between the provisions of this By-law and any other by-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.

40. Headings are inserted for ease of reference only, form no part of this By-law, and shall have not affect in any way the meaning or interpretation of the provisions of this By-law.

Repeal

41. By-law 83-2015 and all amendments thereto are hereby repealed upon the coming into force of this By-law.

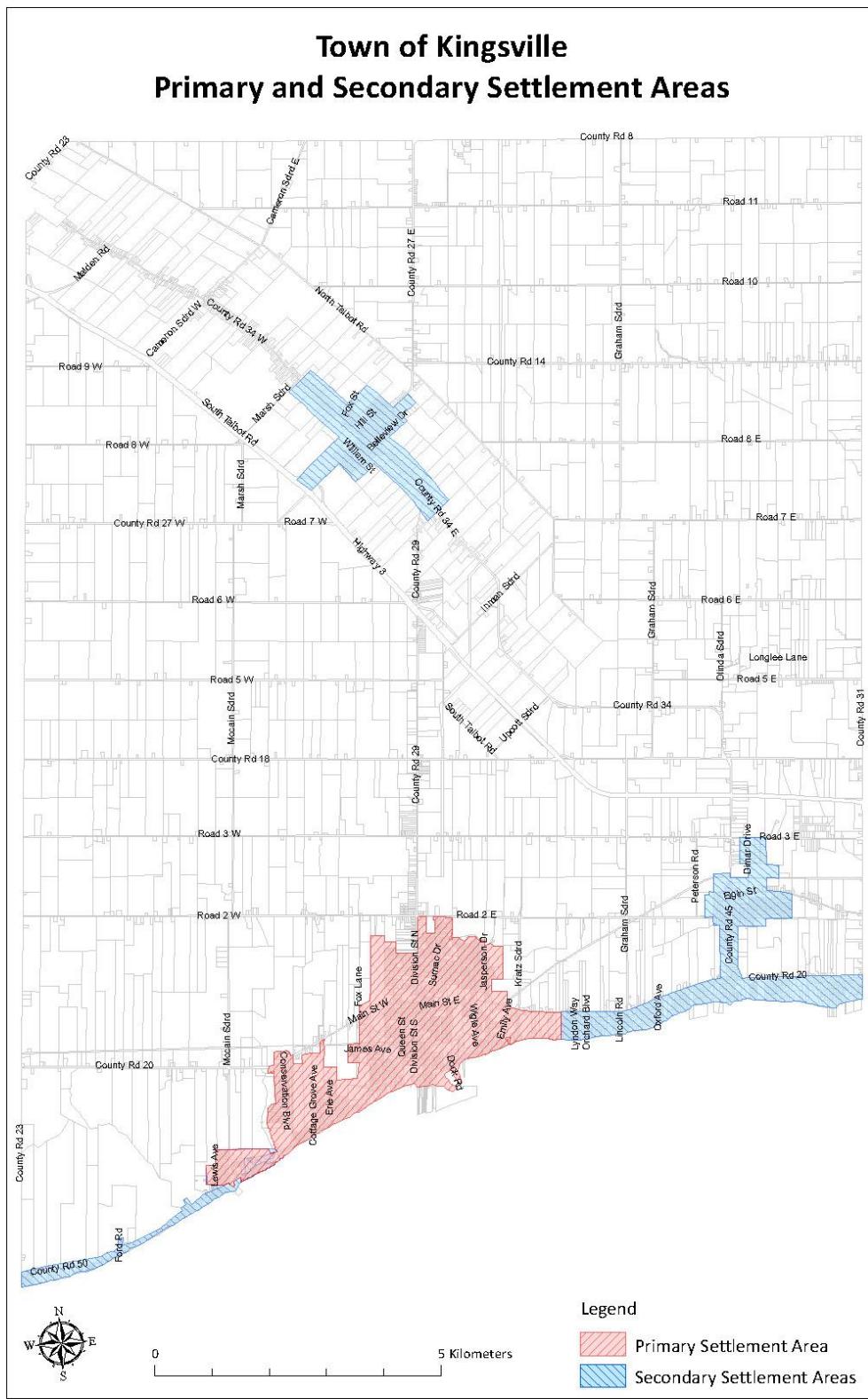
Enactment

42. That this By-Law comes into force and takes effect on the day of the final passing thereof.

Read a first, second and third time and finally passed this 3rd day of November, 2025.

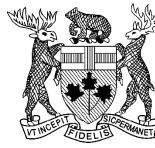
Mayor, Dennis Rogers

Acting Clerk, Angela Toole



OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

December 12, 2025

Town of Kingsville

Greetings,

Re: Set Fines - Provincial Offences Act – Part 1 By-law 62-2025, Yard Maintenance By-Law

Enclosed herewith is the Part 1 original Order and original schedule of set fines for the above referenced Bylaw, the Bylaw indicated in the schedules.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to your local Provincial Offences Court together with a certified copy of the Bylaw.

Yours truly,

M. Edward Graham
Regional Senior Justice
Ontario Court of Justice
Encl.

/tz

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and **By-law 62-2025 of the Town of Kingsville** attached hereto are the set fines for those offences. This Order is to take effect December 12, 2025.

Dated at London this 12th day of December 2025.

Ted Graham

M. Edward Graham
Regional Senior Justice
Ontario Court of Justice

Town of Kingsville
 Part I Provincial Offences Act
 By-law 62-2025: Yard Maintenance By-law

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Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Fail to maintain (grass)(weeds)(Ground Cover) below maximum height	s. 4	\$500.00
2	Fail to (destroy)(remove) Noxious Weeds	s. 5	\$500.00
3	Fail to maintain (trees)(natural growth)	s. 6	\$500.00
4	Fail to remove dead or damaged (hedges)(plantings)(trees) (landscaping)	s. 7	\$500.00
5	Fail to maintain (hedges)(shrubs) (landscaping)	s. 8	\$500.00
6	Fail to keep land free of Refuse	s. 9	\$500.00
7	Deposit Refuse on (private)(Town-owned) property	s. 10	\$500.00
8	Deposit (leaves)(grass clippings)(dirt) (snow) on (Street)(sidewalk)(Town-owned property)(private property)	s. 11	\$500.00
9	Fail to maintain property free of (rodents)(vermin)(pests)	s. 12	\$500.00
10	Fail to maintain Untravelled Portion of Highway free of Refuse and grass below maximum height	s. 13	\$500.00
11	Keep Inoperative Vehicles on Yard	s. 15	\$500.00
12	Fail to maintain property free of discarded (appliances)(machinery) (boats)(vehicles)(trailers)	s. 16	\$500.00
13	Store Inoperative Vehicle for (wrecking)(dismantling)(salvaging)	s. 18	\$500.00
14	Fail to keep depression free of standing water	s. 19	\$500.00
15	Fail to maintain (Swimming Pool)(Hot Tub)(artificial pond) in good repair	s. 20	\$500.00
16	Store Shipping or Storage Container without authorization	s. 22	\$500.00
17	(Prevent)(hinder)(obstruct) Officer from (exercising a power) (performing a duty) under this By-law	s. 32	\$1,000.00

NOTE: The penalty provision for the offences indicated above is Section 34 of By-law No. 62-2025, a certified copy of which has been filed.