

DATE: October 15, 2024
REPORT NO: PD-47-2024
SUBJECT: **Minor Modifications to the Clean Yard By-law**
CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- On October 24th, 2011, Council approved the first clean yards by-law, By-law 2011-89.
- On May 27th, 2019, By-law 2011-89 was repealed and a new Clean Yards by-law was approved which more appropriately separated areas of responsibility between a Property Standards bylaw and a Clean Yards bylaw.
- The by-law, as written in 2019, took into account the right of a farmer to operate a normal farm practice in accordance with the Farming and Food Production and Protection Act.
- Since then, staff have found one provision (Section 2.10) and one definition that needs updating for enforcement purposes.
- Staff propose that the minor revisions and clarifications as presented in this amendment to the Clean Yard By-law be supported as minor improvements to keep the Clean Yard bylaw current, enforceable and in line with the Farming and Food Production and Protection Act.
- The proposed regulation wording has been reviewed by Township legal Counsel and OMAFRA (Ministry of Agriculture, Food and Rural Affairs) staff.

RECOMMENDATION:

1. That, Recommendation Report PD-47-2024, regarding “Minor Modifications to the Clean Yard By-law”, dated October 15, 2024 be received; and,
2. That, an amending by-law such as the by-law found at Schedule A to this report, be adopted by Township Council, to amend the current Clean Yards By-law in order to improve the intent and enforcement of Section 2.10; and,
3. That, a future report be presented to Council to implement the Administrative Monetary Penalty (AMPs) by-law for ticketing purposes for the enforcement of the Clean Yards and Property Standards By-law.

ALIGNMENT TO STRATEGIC PLAN:

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.
- **ENRICH** our strong agricultural legacy

BACKGROUND:

The current Clean Yards By-law, By-law 2019-38, was passed on May 27, 2019 to provide regulations for the maintenance of yards and properties across the entire Township of West Lincoln and in so doing, repealed the previous Clean Yards By-law (By-law 2011-89). By-law 2019-38 was reviewed by staff at OMAFRA (Ministry of Agriculture, Food and Rural Affairs), OFA (the Federation of Agriculture) and Township Legal Counsel prior to adoption. The by-law, as written in 2019, took into account the right of a farmer to operate a normal farm practice in accordance with the Farming and Food Production and Protection Act.

CURRENT SITUATION:

One small refinement is now proposed to By-law 2019-38 which provides further clarity and will assist with enforcement. This wording establishes a setback from side and rear lot lines in addition to current setbacks from the front lot line and behind the wall of a building for storage purposes. The proposed amendments will not impact normal farm operations.

Further, it is recommended that the Property Standards by-law (1998-105) and Clean Yards By-law (2019-38) will be amended to add Administrative Monetary Penalty System (AMPS) wording for enforcement purposes, as part of a future report.

The proposed wording revisions have been taken from other municipalities and are therefore tried and tested regulations that should have minimal impact on the property owners of West Lincoln. At present, the wording of Section 2.10 only includes setbacks for derelict equipment storage at a setback from the road and/or behind a building, with no side and rear yard setbacks. This by-law now recommends 45 metres in all directions on farm parcels for inactive equipment storage.

A draft amending by-law is found at Schedule A to this report.

FINANCIAL IMPLICATIONS:

The proposed amendment will have no financial impact on the municipality as costs related to clean up or works done to resolve deficiency issues are directly billed to the property owner responsible for such works. In addition, a future by-law will add authority to issue tickets through AMPs.

INTER-DEPARTMENTAL COMMENTS:

The draft amending by-law, as found at Schedule A to this report, propose changes (as

noted above) to the Clean Yard By-law. This amendment is minor in nature and is recommended by Township Legal Counsel who advised that such wording is used in neighbouring municipalities and has been reviewed by OMAFRA and OFA staff and the courts. Staff would not recommend any amendment that affected the right of farmers under the Farming and Food Production Protection Act, 1998, and are advised that a revision to reflect language used in a neighbouring municipality is better and more enforceable language.

CONCLUSION:

Staff recommend that the proposed amendments to the Clean Yard By-law such as those found at Schedule A to this report, be approved.

A future report will provide provisions that grant authority to enforce both by-laws by means of the Administrative Monetary Penalties System (AMPs).

SCHEDULES

- A. Draft Consolidation of the to Clean Yards By-law (highlighted section to be included in the amending by-law)

Prepared & Submitted by:

Approved by:

**Brian Treble
Director of Planning & Building**

**Truper McBride
CAO**