



Bill No. 034

BY- LAW NUMBER 2023-

A By-law of the Corporation of the City of Barrie to amend By-law 2011-107 and to prescribe standards for the maintenance of lands and properties in the City of Barrie and to provide enhanced enforcement and compliance opportunities and clarification on certain items.

WHEREAS Section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

AND WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may require the owners or occupants of land 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, 2001*, c.25 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 131 of the *Municipal Act, 2001*, c.25 provides that a local municipality may 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 The Corporation of the City of Barrie deems it necessary to prevent public nuisances and the accumulation of waste material within the City;

AND WHEREAS by motion 23-G-068, the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the City of Barrie hereby enacts as follows:

1. That Section 2.7 of By-law 2011-107 be deleted and replaced with the following:
 - 2.7 **"INOPERABLE VEHICLE"** shall mean a motor vehicle as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, having missing or damaged components which prevents its mechanical function. It shall also include a vehicle that does not display a valid vehicle permit license plate issued under the *Highway Traffic Act*, R.S.O. 1990, ch. 8, as amended.
2. That Section 2.13 of By-law 2011-107 be deleted and replaced with the following:
 - 2.13 **"OFFICER"** shall mean a Property Standards Officer and/or a Municipal Law Enforcement Officer or other law enforcement Officer as appointed by the Council of The Corporation of the City of Barrie or designate, the Barrie Police Board, or a Provincial Offences Officer, or employee who has been assigned the responsibility of administering and enforcing this By-law.

3. That Section 2.14 of By-law 2011-107 be deleted and replaced with the following:
 - 2.14 **“OWNER”** shall mean the registered owner, owner in trust, a mortgagee in possession, a person who is managing or receiving the rent of the property and includes a person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s), authorized agent in lawful control of the property, building or occupancy including but not limited to a lessee, tenant, or occupant.
4. That Section 2.15 of By-law 2011-107 be deleted and replaced with the following:
 - 2.15 **“PERSON”** means an owner as defined in this by-law or any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neutral gender wherever the context so requires.
5. That Section 2.16 of By-law 2011-107 be deleted and replaced with the following:
 - 2.16 **“PROPERTY”** shall mean a building or structure or part of a building or structure and includes the lands and premises on which they are located and all mobile homes, mobile buildings, mobile structures, accessory structures, fences, and erections thereon whether previously or subsequently erected, and includes vacant property.
6. That Section 2.17 of By-law 2011-107 be deleted and replaced with the following:
 - 2.17 **“SUPERVISOR OF ENFORCEMENT SERVICES”** shall mean the person employed to supervise the enforcement of municipal law for the City.
7. That Section 2.0 of By-law 2011-107 be amended by adding the following:
 - 2.18 **“WASTE MATERIAL”** shall mean any garbage, refuse, debris, litter, household waste and yard waste as determined by an Officer.
8. That Section 3.0 of By-law 2011-107 be amended by adding the following:
 - 3.2 No person shall obstruct, hinder, or otherwise interfere with a Property Standards Officer, Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
9. That Section 4.3 of By-law 2011-107 be amended by adding the following:
 - 4.3 e) On property participating in a City approved or sanctioned initiative or program intended to promote naturalization, pollination or rejuvenation and which has been registered with and/or displays notice provided by the City or authorized organization.
10. That Section 4.3 of By-law 2011-107 further be amended by adding the following:
 - 4.3 f) Notwithstanding Section 4.3 e), all other provisions of this by-law shall apply during the initiative or program and all provisions of this by-law shall apply upon expiry of the initiative or program.

11. That Section 4.5 of By-law 2011-107 be deleted and replaced with the following:
 - 4.5 Every owner shall keep their property clear of objects or conditions that create or may create a health, fire, accident, or safety hazard.
12. That Section 4.14 of By-law 2011-107 be deleted and replaced with the following:
 - 4.14 Every owner shall store household waste in rigid containers with secure lids when stored outdoors and household waste shall not be stored in the front or side yard of a residential property where the property has a garage, rear yard, or designated storage facility.
13. That Section 4.0 of By-law 2011-107 be amended by adding the following:
 - 4.23 Notwithstanding sections 4.18 to 4.20, property participating in a City approved or sanctioned initiative or program intended to promote naturalization, pollination, or rejuvenation and which has been registered with and/or displays notice provided by the City or authorized organization may be exempt.
14. That Section 4.0 of By-law 2011-107 be further amended by adding the following:
 - 4.24 Notwithstanding Section 4.23, all other provisions of this by-law shall apply during the initiative or program and all provisions of this by-law shall apply upon expiry of the initiative or program.
15. That Section 5.1 of By-law 2011-107 be deleted and replaced with the following:
 - 5.1 Except as provided in subsection 5.2, an Officer may enter upon any land or property at any reasonable time to determine if the property is in compliance with the provisions of this by-law and may take photographs and notes of the property's condition.
16. That Section 5.3 of By-law 2011-107 be deleted in its entirety and replaced with the following:
 - 5.3 Where a property is not maintained in accordance with the requirements of this By-law:
 - a) the City may serve the owner a written notice directing the owner of the property to bring the property into compliance with the requirements of this By-law; and
 - b) the owner shall repair, remove, or clean up all contraventions identified on the notice within the time indicated.
17. That Section 6.2 of By-law 2011-107 be amended by replacing the word "fifth" with the word "third".
18. That Section 8.2 of By-law 2011-107 be deleted and replaced with the following:
 - 8.2 The registered owner of a property shall be responsible for all Service Fees invoiced when an inspection of the property by an Officer confirms that the yard does not comply with this by-law.
19. That Section 9.1 of By-law 2011-107 be deleted and replaced with the following:
 - 9.1 Where the City, its employees or authorized agents have performed the work required to bring the property into compliance with the by-law, all expenses incurred by the City 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 and collected in the same manner as property taxes.

20. That Section 10.1 of By-law 2011-107 be deleted and replaced with the following:

10.1 Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O. 1990, c P.33*, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.

21. That Section 12.0 of By-law 2011-107 be deleted and replaced with the following:

12.0 FORCE AND EFFECT

12.1 That this By-law shall come into force and effect on the passing thereof.

22. That Section 13.0 of By-law 2011-107 be deleted in its entirety.

READ a first and second time this 19th day of April, 2023

READ a third time and finally passed this 19th day of April, 2023

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – ALEX NUTTALL

CITY CLERK – WENDY COOKE