



**BY- LAW NUMBER 2011-**

**A By-law of the Corporation of the City of Barrie to prescribe standards for the maintenance of lands and properties in the City of Barrie and to repeal By-law 90-355 as amended.**

**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 122 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may require the owners or occupants of buildings to remove snow and ice from the roofs of the buildings and may regulate when and how the removal shall be undertaken;

**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 129 of the Municipal Act, 2001, c.25 provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

**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 Council of The Corporation of the City of Barrie deems it necessary to repeal By-law 90-355 as amended being a by-law to require and regulate the filling up, cleaning and clearing any grounds, yards and vacant lots;

**AND WHEREAS** The Corporation of the City of Barrie deems it necessary to prevent public nuisances and the accumulation of waste material and to control dust within the City;

**AND WHEREAS** by motion 11-G-108, 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. SHORT TITLE**

1.1. **THAT** this by-law may be referred to as the **YARD MAINTENANCE BY-LAW**.

**2. DEFINITIONS**

For the purpose of this By-law the following words shall have the meaning given herein:

2.1. **"CITY"** shall mean The Corporation of The City of Barrie

2.2. **"COUNCIL"** shall mean the Council of The Corporation of the City of Barrie.

2.3. **"EXCAVATION"** shall mean an area where soil has been removed thereby leaving a depression or hole within the surrounding land, and includes, without limiting the generality of the foregoing, uncovered wells and cisterns.

- 2.4. **“GROUND COVER”** shall mean, but is not limited to, grass, weeds, plant materials, gravel, patios and parking areas that minimize soil/material erosion and/or the accumulation of mud.
- 2.5. **“HOUSEHOLD WASTE”** shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling and, for greater certainty without limiting the generality of the foregoing, may include:
- a. all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food;
  - b. yard clippings, tree and garden cuttings, brush or leaves;
  - c. paper, cardboard, or clothing; or
  - d. cans, glass, or plastic containers, or dishes.
- 2.6. **“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 also includes a vehicle that does not display a vehicle permit license plate issued under the Highway Traffic Act, R.S.O. 1990, ch. 8, as amended and a vehicle with a vehicle permit license plate with a validation sticker that has been expired for more than one year.
- 2.7. **“LAND”** shall mean grounds, yards and vacant and developed lots.
- 2.8. **“LANDSCAPE FEATURE”** shall mean fences, retaining walls, bird baths, floral planters, fountains, statues, gazeboes, trellises and other decorative features.
- 2.9. **“NATURAL BODY OF WATER”** shall mean a creek, stream, bog, marsh, river, pond or lake normally created by the forces of nature, but which may be created or caused to be created by man, and which contains water on a regular basis.
- 2.10. **“NATURAL GARDEN”** shall mean a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape.
- 2.11. **“OFFICER”** shall mean an employee of the City who has been appointed and assigned the responsibility of administering and enforcing this By-law.
- 2.12. **“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).
- 2.13. **“PROPERTY”** shall mean a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 2.14. **“WASTE MATERIAL”** shall mean any garbage, refuse, debris, litter, household waste and yard waste as determined by an officer.
- 3. ENFORCEMENT:**
- 3.1. An *officer* is hereby authorized and empowered to enforce the provisions of this By-law.

#### 4. GENERAL PROVISIONS

- 4.1. Except as provided in Subsections 3.2. and 3.3., every *owner* shall cut and maintain the *ground cover* on their *lands* to a height not greater than 15 centimeters (6 inches).
- 4.2. Every *owner* shall cut and maintain the *ground cover* on their *lands* to a height not greater than 30 centimeters (12 inches) on *land* that is vacant.
- 4.3. Height of *ground cover* need not be maintained in:
  - a. areas zoned open space, environmental protection or agricultural under the *City's* Zoning By-law,
  - b. *natural gardens*,
  - c. *land* more than 100 meters in any direction from any *land* that is developed, and
  - d. *City* owned parks and open spaces identified in the *City's* Naturalization Policy.
- 4.4. Every *owner* shall remove all objectionable markings, graffiti, stains or other defacement on their *property* to restore the surface and adjacent areas to, as near as possible, their appearance before the markings, graffiti, stains or other defacement occurred.
- 4.5. Every *owner* shall keep their *property* clear of objects or conditions that create or might create a health, fire or accident hazard. Except as provided in subsections 4.7. and 4.8., every *owner* shall fill in any *excavation* on their *land* unless it is enclosed completely by a barrier at least 1.2 metres (3'-11") in height and sufficient to prevent a person from falling into the *excavation*.
- 4.6. A temporary barrier is permitted to be used for a maximum of 3 months after which the *excavation* must be filled in or a more permanent fence structure must be installed.
- 4.7. The barrier described in subsections 4.6. and 4.7. is not required by this by-law where the *excavation* is related to active demolition or construction.
- 4.8. Every *owner* shall grade their *land* to minimize ponding of water unless such area constitutes;
  - a. A storm water management pond approved by the *City*;
  - b. A *natural body of water*;
  - c. Swimming pools enclosed in compliance with the *City's* Pool Enclosure By-law; or
  - d. Excavations identified in subsections 4.6. or 4.8.
- 4.9. Every *owner* shall maintain their *property* clear of all *waste material*.
- 4.10. Every *owner* shall maintain their *lands* clear of all *inoperable vehicles* except where the zoning by-law permits a related *land* use.
- 4.11. 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 yard of a residential *property* where the *property* has a garage, side yard or designated storage facility.
- 4.12. Every *owner* shall remove animal waste from their *lands* so as to minimize significant accumulation.

- 4.13. Except as provided in subsection 4.15., every *owner* shall ensure that their *land* is treated so as to prevent the raising of dust or loose particles and the accumulation of mud.
- 4.14. Land described in subsection 4.14. need not be treated so as to prevent the raising of dust or loose particles and the accumulation of mud in :
- a. *lands* subject to an active site plan or subdivider's agreement,
  - b. areas zoned open space, environmental protection or agricultural under the *City's* Zoning By-law,
  - c. *City* owned parks and open spaces identified in the *City's* Naturalization Policy.
- 4.15. Every *owner* shall maintain all hedges, bushes and shrubs on their *lands* from becoming overgrown and unkempt.
- 4.16. Every *owner* shall maintain all *landscape features* on their *lands* in good repair.
- 4.17. Every *owner* shall remove snow and ice from exterior walkways, steps, *landings* and ramps, and from exterior driveways and parking areas that pose a health or safety hazard to persons on their *lands*.
- 4.18. Every *owner* shall remove snow and ice from the roofs of their building(s) that pose a health or safety hazard to persons or *property* in the normal use of adjacent walkways, driveways, parking areas and entrances to the building(s).

## 5. NOTICE TO COMPLY – PREMISES NOT MAINTAINED

- 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 *owner* is complying with the provisions of this by-law and may take photographs of the *property's* condition.
- 5.2. An *officer* shall not enter an occupied dwelling unit without first obtaining the informed consent of the occupants who must be of legal age to provide that consent.
- 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 notice in writing directing the *owner* of the *property* to bring the *property* into conformance with the requirements of this By-law; and
  - b. the *owner* shall repair, remove or clean up all contraventions identified on the notice within seven (7) days of the notice being served.

## 6. NOTICE TO COMPLY – DELIVERY- WHEN DEEMED SERVED

- 6.1. The notice from the *City* may be:
- a. served personally upon the *owner*, or
  - b. mailed by registered mail to the last known address of the *owner* according to the current assessment rolls.
- 6.2. If served by registered mail, the notice under subsection 6.1. shall be deemed to have been served on the fifth day after mailing.

**7. FAILURE TO COMPLY – WORK DONE BY CORPORATION**

- 7.1. Where an *owner*, having been served with a notice, fails to comply with the notice within the time specified, an *officer* or the *City's* employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the *property* at a reasonable time and carry out any or all of the work described in the notice.

**8. SERVICE FEES**

- 8.1. The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the *City's* Fees By-law and any revisions thereto.
- 8.2. Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by an *officer*.

**9. RECOVERY OF COSTS**

- 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 for the *property* and collected in the same manner as taxes.

**10. OFFENCES**

- 10.1. Every person who contravenes any of the provisions of this By-law, or who obstructs or attempts to obstruct an *officer* or an employee or agent of the *City* in carrying out his or her duties under this By-law is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the Provincial Offences Act, R.S.O., 1990, c.P.33.

**11. SEVERABILITY**

- 11.1. Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an Order to the contrary.

**12. REPEAL OF BY-LAW 90-355**

- 12.1. That By-law 90-355 as amended being a by-law to require and regulate the filling up, cleaning and clearing any grounds, yards and vacant lots thereto be repealed.

**13. FORCE AND EFFECT**

- 13.1. That this By-law shall come into force and effect on September 1<sup>st</sup>, 2011.

**READ** a first and second time this 15<sup>th</sup> day of August, 2011

**READ** a third time and finally passed this 15<sup>th</sup> day of August, 2011

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR - JEFF LEHMAN**

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**CITY CLERK - DAWN A. MCALPINE**