

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5190-19**

**A BY-LAW FOR MAINTAINING LAND IN A CLEAN AND
CLEAR CONDITION AND REPEAL BY-LAW 4114-07**

WHEREAS Section 127 of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes municipalities to pass by-laws for requiring the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse and debris from the land, not including buildings and to regulate when and how such matters shall be done and to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land and to define "refuse" for the purpose of the by-law;

AND WHEREAS Section 128 (1) of the Municipal Act, 2001 S.O. 2001, c. 25 as amended authorizes municipalities to 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 446 of the Municipal Act, 2001 S.O. 2001, c.25 as amended authorizes municipalities to direct that where an owner has defaulted, the municipality may have the default remedied at the owner's expense and add the cost to the tax roll;

AND WHEREAS it is deemed desirable to enact this by-law to extend the useful life of individual properties to enhance the quality of communities and neighbourhoods, to protect the safety, health and well-being of the public and to ensure the continued enjoyment of property for residents and property owners in the Town of Niagara-on-the-Lake;

AND WHEREAS this By-law shall be known and cited as the Clean Yard By-law.

NOW THEREFORE the Council of The Corporation of the Town of Niagara-on-the-Lake enacts as follows:

DEFINITIONS

- 1.1 "Refuse" includes but is not limited to debris, rubbish, junk, litter, paper, paper products, disused materials, appliances, devices, apparatus, machinery, disused furniture, old clothing, old or decayed lumber, construction or demolition debris, tires and wrecked, dismantled, inoperative, unplated or unused vehicles.
- 1.2 "Buffer" shall mean an area of land abutting a residential use on which all grass and other living vegetation shall be maintained at a height of no more than 200 mm (8 inches) for a depth of 10 meters (32.8 feet).
- 1.3 "Occupant" means any person or persons over the age of 18 years in possession of property.
- 1.4 "Officer" means a Municipal Law Enforcement Officer appointed by by-law and assigned the responsibility for enforcing and administering this by-law.
- 1.5 "Person" means an individual, firm, corporation, association or partnership.
- 1.6 "Repair" means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating or mending as may be required so that the property shall conform to the standards as established in this by-law.
- 1.7 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

SCOPE

- 2.1. Where a provision of this by-law conflicts with a provision of another by-law in force in the Town of Niagara-on-the-Lake, the provision that establishes the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

LOT MAINTENANCE

- 3.1 Every owner, lessee or occupant of land shall maintain said land clean and free from refuse, including but not limited to:
- a) Rubbish, junk, debris and objects or conditions that may create a health, fire or accident hazard;
 - b) Wrecked, dismantled, discarded, unplated or abandoned vehicles, boats, machinery or trailers unless it is necessary for the operation of a business lawfully situated on the property;
 - c) Overgrown brush, undergrowth and noxious weeds as defined by the Weed Control Act;
 - d) Dilapidated, collapsed or partially constructed structures which are not currently under construction;
 - e) Injurious insects, termites, rodents, vermin or other pests; and,
 - f) Dead, diseased, decayed or damaged trees or other natural growth.
- 3.1.1 a) All residential property shall be maintained so that all grass is maintained at a height of no more than 20 cm (8 inches);
- b) Notwithstanding 3.1.1.a) All non-residential property abutting residential property maintain a buffer for the length of the lot line between the residential and non-residential properties.

Every owner, lessee or occupant who fails to maintain land clean and free from refuse is guilty of an offence.

- 3.2 No person shall throw, place or deposit any refuse as herein defined on any property including Town, Regional, Provincial or Federal lands or the property of any local Board or Commission or any private property within the Town of Niagara-on-the-Lake, without the written consent of the property owner. Any person throwing, placing or depositing refuse on any property without the written consent of the owner is guilty of an offence.
- 3.3 Section 3.2 shall not apply to garbage placed out for collection in accordance with the Town's or Region's by-laws respecting garbage collection.
- 3.4 When any land is not maintained to the requirements of this by-law, the Officer may notify the owner, occupant or other person responsible for the maintenance of the property, in writing, directing that the land be made to comply with the provisions of the by-law within a defined period of time, but not less than seventy two (72) hours. Said notice shall be sent to the last known address as shown on the last revised assessment rolls of the municipality or delivered personally to the owner, occupant or person responsible for the property.
- 3.5 Where a notice has been sent pursuant to Section 3.5 and the requirements of the notice have not been complied with, the Town may direct that the work be done at the expense of the owner or occupant. The expense incurred may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes. Any person failing to comply with a notice sent pursuant to section 3.5 is guilty of an offence.

DRIVEWAYS AND PARKING AREAS

- 4.1 All driveways and parking areas shall be surfaced with a suitable material such as; gravel, concrete, asphalt, pavers or other material designed for the purpose of surfacing.
- 4.2 No person shall park or store any vehicle, boat, trailer, recreational vehicle or other conveyance on any area not properly surfaced as in Section 4.1.

Any person who parks or stores a vehicle, boat, trailer, recreational vehicle or other conveyance on an area which has not been properly surfaced is guilty of an offence.

ADMINISTRATION AND ENFORCEMENT

- 5.1 If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 5.2 Any person who contravenes any of the provisions of this by-law or who fails to comply with the written order of an Officer is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.
- 5.3 By-Law No. 4114-07 is hereby repealed.
- 5.4 This by-Law shall come into force and take effect on the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 20TH DAY OF JANUARY 2020


LORD MAYOR BETTY DISERO


TOWN CLERK PETER TOOD