

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5192B-26**

**A BY-LAW TO AMEND BY-LAW NO. 5192-19 FOR PRESCRIBING THE
STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF
PROPERTY WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE**

WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake passed By-law No. 5192-19 on November 11, 2019;

AND WHEREAS Section 129 of the Municipal Act, 2001 provides municipalities with authority to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

AND WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake considers it fundamental to protect heritage attributes of properties through enhanced enforcement; and

AND WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake considers it desirable to further regulate lighting:

NOW THEREFORE the Council of the Town of Niagara-on-the-Lake hereby enacts the following:

1. That section 1.15 of By-law 5192-19 be replaced by the following:

1.15 Heritage property means a *Part IV Ontario Heritage Act* Designated Property or a *Part V Ontario Heritage Act* Designated Property.
2. That section 1.22 of By-law 5192-19 be replaced by the following:

1.22 "Part IV OHA Designated Property" means property, including all buildings, structures and elements part of the cultural heritage landscape thereon, that has been designated under Section 29 or by the Minister under Section 34.5 of the Ontario Heritage Act.
3. That section 1.23 of By-law 5192-19 be replaced by the following:

1.23 "Part V OHA Designated Property" means property, including all buildings, structures and landscaping thereon, that has been designated under Section 41 of the Ontario Heritage Act.
4. That section 2(a)1i. of By-law 5192-19 be replaced by the following:
 - i. Maintain the heritage property and the components of the heritage property that hold up, support or protect the Heritage Attributes in a manner that will ensure their conservation, including cultural heritage landscapes and vegetation when identified as a Heritage Attribute.
5. That By-law No. 5192-19 be further amended by adding the following subsections to Part V Section 5.07 Lighting:
 - (2) The interior and exterior lighting that is visible on the exterior of any building shall be installed and maintained, or have a barrier or shade installed and maintained so as to prevent or block direct illumination of the interior of a dwelling unit on adjacent property regardless of whether such dwelling unit has or may have interior window coverings except for:
 - i) lighting located by a road authority;

- ii) lighting located on property owned or occupied by a municipal, provincial or federal government or authority;
 - iii) light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses that shall be turned off at any time the use is not actually being conducted, but may require the redirection, movement or the placing of shades or barriers to comply with the standards established in this subsection;
 - iv) illuminated outdoor advertising signage that may be turned off at any time the business is not open to the public, but may require the redirection, movement or the placing of shades or barriers to comply with the standards established in this subsection; or
 - v) lighting fixtures used to illuminate any area for emergency, security or public safety purposes that may be turned off any time the illumination is unnecessary for the purposes, but may require the redirection, movement or the placing of shades or barriers to comply with the standards of this subsection.
- (3) If exterior lighting is provided for exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard of a property, the exterior lighting and their supports and connections thereto shall be maintained and kept in a safe condition, in good repair and in good working order to provide adequate light.
6. That Schedule "A" (Administrative Penalties) attached to By-law 5192-19, be further amended by increasing the set fine amount to \$750 for Item 17.

Item	Column 1 – Short Form wording	Offence	Set Fine
Schedule "A" – Property Standards By-law No. 5192-19 as amended			
17	Altering a heritage property without permit	Part II(a) 2(a)1	\$750

7. That Schedule "A" (Administrative Penalties) attached to By-law 5192-19, be further amended by increasing the set fine to \$500 for Items 18-23.

Item	Column 1 – Short Form wording	Offence	Set Fine
Schedule "A" – Property Standards By-law No. 5192-19 as amended			
18	Failing to maintain a heritage property and its components in a manner that will ensure their conservation	Part II(a) 2(a)1(i)	\$500
19	Failing to document prior to removal of any existing material on a heritage property	Part II(a) 2(a)1(v)	\$500
20	Failing to obtain a heritage permit prior to altering or clearing property on a heritage property	Part II(a) 2(a)2.	\$500
21	Failing to protect heritage attributes after a time period of 90 day after becoming vacant as outlined in Part II(a) 2(a)3 (iii)&(v) of this By-law	Part II(a) 2(a)3iii&v	\$500
22	Failing to maintain utilities to prevent damage to heritage attributes in vacant heritage buildings	Part II(a) 2(a)3 (ii)	\$500
23	Failing to prevent moisture penetration and damage from the elements in vacant heritage buildings	Part II(a) 2(a)3 (iv)	\$500

8. That Schedule "A" (Administrative Penalties) attached to By-law 5192-19, be further amended by adding:

Item	Column 1 – Short Form wording	Offence	Set Fine
Schedule "A" – Property Standards By-law No. 5192-19 as amended			
67	Failing to install and maintain, or have a barrier or shade installed and maintained so as to prevent or block direct illumination of the interior of a dwelling unit on adjacent property.	Part V 5.07 (2)	\$300
68	Failing to maintain and keep in good repair exterior lighting and their support lighting provided for exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard of a property.	Part V 5.07 (3)	\$300

9. That this By-law come into force and effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27TH DAY OF JANUARY 2026



LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL