



Table of Contents

Part I. Short Title, Purpose and Scope..... 1

 Short Title 1

 Purpose..... 1

 Scope 1

Part II. Interpretation..... 2

 Headings 2

 References to Applicable Law 2

 Definitions 2

Part III. General Provisions 3

 Health, Fire or Accident Hazards..... 3

 Waste 3

 Long Grass and Weeds..... 3

 Hedges, Shrubs and Trees 4

 Pests 4

 Wells 4

Part IV. Administration, Enforcement and Penalty 4

 Work Order..... 4

 Non-Compliance with Work Order 5

 Collection of Expenses by City..... 5

 Enforcement 5

 Penalty 5

Part V. Conflict and Transition..... 5

 Conflict 5

 Terms Severable 5

 Enactment..... 5

Consolidated Version

Revised April 10, 2018

Revision History:	Passed On:
2018-048 (Original)	April 9, 2018

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-law No. 2018-048

A By-law to prescribe standards for the maintenance of Property in the City of Owen Sound

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001 c.25 (the "Municipal Act") 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 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 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 provides that a 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 section 446 (1) of the Municipal Act provides that a municipality may direct or require a person to do a matter or thing and the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and

WHEREAS section 446 (3) of the Municipal Act provides that a municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and

WHEREAS on March 19, 2018, City Council passed Resolution No. R-180319-010 to enact the subject by-law per Report No. CR-18-044:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

1. This by-law shall be known as the "Yard Maintenance By-law".

Purpose

2. This by-law has been enacted to:
 - a. extend the useful life of individual properties;
 - b. enhance the quality of communities and neighbourhoods;
 - c. protect the safety, health and well-being of the public; and
 - d. ensure the continued enjoyment of property for residents and property owners in the City of Owen Sound.

Scope

3. This by-law shall apply to all privately owned Property in the City of Owen Sound, including those used for residential, commercial, institutional and industrial purposes.

Part II. Interpretation

Headings

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

References to Applicable Law

5. All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

6. For the purposes of this by-law:

“City” means the City of Owen Sound and a reference to the City is a reference to the geographical area of the City of Owen Sound or to the Corporation of the City of Owen Sound as the context requires;

“Household Waste” means any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling;

“Garden” means 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 landscape;

“Good Repair” means in such a condition so as to be free from potential of accident or fire or other hazard, structurally sound, in good working order, capable of carrying out its intended function, and not unsightly by reason of deterioration, damage or defacement;

“Ground Cover” means grass, weeds and other plant material but does not include trees, hedges and shrubs;

“Municipal Act, 2001” means the *Municipal Act, 2001*, SO 2001, c. 25;

“Noxious Weeds” means plants designated as noxious weeds in the *Weed Control Act*, R.S.O. 1990, c. W.5;

“Officer” means a City Police Officer, By-law Enforcement Officer or other person appointed by the City and assigned the responsibility of administering and enforcing this by-law;

“Owner” means the registered owner of property, tenant or occupant or person at the subject time that is managing or receiving the rent from the property, whether on his or her own account or on account of an agent or trustee of any person or any one of the aforesaid;

“Person” means an individual, firm, corporation, association or partnership;

“Property” means any parcel of land or registered water lot and, without limiting the generality of the foregoing, shall include lands and premises appurtenant to a building or structure whether residential, commercial, institutional or industrial and includes vacant property, but shall exclude any building or structure;

“Provincial Offences Act” means the *Provincial Offences Act*, RSO 1990, c. P.33.

“Waste Material” means any article, thing or matter that, in the opinion of an Officer:

- a. appears to have been cast aside or discarded or abandoned, whether it is or not;
- b. appears to be worthless or useless or of no practical value whether it is or not; or
- c. appears to be used up, in whole or in part, or expended or worn out in whole or in part.

Without restricting the generality of the foregoing, Waste Material may include:

- a. garbage, rubbish, junk, refuse, debris or litter;
- b. excessive accumulations or piles of grass clippings, tree and garden cuttings, brush and leaves which are not part of a horticultural or composting process;
- c. unusable containers such as crockery, dishes, glassware, bottles, plastic containers and cans;
- d. discarded paper, paper products, cardboard, or clothing;
- e. discarded weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks;
- f. any unused, abandoned, dismantled or inoperative vehicle, or any vehicle which is not licenced with a currently validated licence plate pursuant to the provisions of the *Highway Traffic Act*, except where the City's Zoning By-law permits a related Land use;
- g. any wrecked, dismantled, discarded vehicle or automotive parts or accessories, mechanical parts, unmounted or mounted tires, accessories or adjuncts to any vehicle or mechanical equipment;
- h. any all-terrain vehicle, motor home, motorized snow vehicle, motorized recreational vehicle or camper, traction engine, farm or lawn tractor, road-building machine or a vehicle drawn, propelled or driven by any kind of power including horse power or man power, boat, watercraft or trailer or part thereof, which is unlicensed and/or in a wrecked, discarded, dismantled, inoperative or abandoned condition, except where the City's Zoning By-law permits a related Land use;
- i. broken concrete or asphalt pavement, patio or sidewalk slabs, unusable building materials;
- j. discarded, unused or waste materials resulting from or as part of construction, alteration, repair or demolition of any building or structure or old or decayed lumber; and
- k. discarded, dead, diseased, decayed or damaged trees or bush.

Part III. General Provisions

Health, Fire or Accident Hazards

7. Every Owner shall keep their Property clear of objects or conditions that create or might create a health, fire or accident hazard.

Waste

8. Every Owner shall maintain their Property clear of all Waste Material.
9. Every Owner shall maintain their Property clear of all animal waste.

Long Grass and Weeds

10. Except as provided in sections 11 and 12, every Owner shall cut and maintain the Ground Cover on their Property to a height equal to or less than 10 centimeters (4 inches).
11. Every Owner shall cut and maintain the Ground Cover on their Lands to a height equal to or less than 15 centimeters (6 inches) on Property that is vacant.
12. Height of Ground Cover need not be maintained in:
 - a. Gardens;
 - b. areas zoned hazard (ZH), agricultural (A) or rural (RUR) under the City's Zoning By-law; and

- c. areas identified to be naturalized in:
 - i. a site plan approved pursuant to the City's Site Plan Control By-law; or
 - ii. a subdivision agreement with the City of Owen Sound.
13. Every Owner shall maintain their Property clear of all Noxious Weeds.

Hedges, Shrubs and Trees

14. Every Owner shall keep hedges, shrubs and trees adjacent to a public sidewalk, walkway, street, road or lane cut and trimmed in a manner that allows safe, unhindered passage.
15. Every Owner shall keep hedges, shrubs and trees cut and trimmed in a manner that prevents the obstruction of windows, doors, drains, walkways, vents and exits and entrances to Property or buildings.

Pests

16. Every Owner shall keep their Property clear of infestations of injurious insects, termites, rodents, vermin or other pests.

Wells

17. Every Owner shall cap all wells on their Property with a structurally secure material, such as concrete, which cannot be readily removed.
18. Every Owner shall maintain well caps on their Property in Good Repair.

Part IV. Administration, Enforcement and Penalty

Work Order

19. Where a Property does not comply with the standards of this by-law, an Officer may provide a work order to the Owner of the Property, in writing, directing that the Owner comply with this by-law.
20. The work order shall set out:
 - a. the municipal address, municipal roll number or the legal description of the Property;
 - b. reasonable particulars of the contravention and of the work to be done;
 - c. a deadline, being a specific date, for compliance with the work order; and
 - d. a notice that if the work is not done in compliance with the work order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work, including administration fees, may be recovered by adding the amount to the tax roll for the Property.
21. The work order shall be served by personal delivery or by regular mail sent to the address shown on the last revised assessment roll or to the last known address of the Person to whom the Order is to be given.
22. In the case of regular mail, service shall be deemed to have been made on the fifth day following the date of mailing.
23. In the event that an Officer is unable to serve the work order by regular mail or personally the work order may be posted in a conspicuous place on the Property and posting the work order shall be deemed to be sufficient service.
24. In the event that a work order has been served on an Owner in accordance with this by-law, such work order shall serve to be notice requiring compliance with this by-law for the entire calendar year.

Non-Compliance with Work Order

- 25. Where an Owner to whom a work order has been given in accordance with this by-law does not comply with the work order within the time prescribed, the City may, in addition to all other remedies, cause the Property to be brought into compliance with this by-law at the Owner’s expense. For this purpose, the City’s employees and agents may enter onto the Property at any reasonable time without further notice to the Owner in order to do such work necessary to achieve compliance with this by-law.

Collection of Expenses by City

- 26. Where the City, its employees or authorized agents have performed the work required to bring the Property into compliance with this by-law, all expenses incurred by the City in doing the work, together with administration fees as set out in the City’s Fees and Charges By-law, 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 municipal taxes.

Enforcement

- 27. An Officer is authorized and empowered to enforce the provisions of this by-law.
- 28. Any Officer may enter on any Property at all reasonable times to enforce the provisions of this by-law.
- 29. No Person shall interfere with or obstruct an Officer while performing their duties under this by-law.

Penalty

- 30. Every Person who contravenes the provisions of this by-law is guilty of an offense and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

Part V. Conflict and Transition

Conflict

- 31. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.
- 32. In the event a provision of this by-law conflicts with a provision of another by-law in force in the City, the provision with the stricter requirements shall prevail.

Terms Severable

- 33. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Enactment

- 34. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 9th day of April, 2018.

Signature on file
Mayor Ian C. Boddy

Signature on file
Briana M. Bloomfield, City Clerk