

## Corporation of the City of Quinte West

### By-law Number 16-044

#### Being a By-law to establish Yard Maintenance Standards in the City of Quinte West.

**Whereas** the Councils of local municipalities have broad powers pursuant to the Municipal Act, 2001, as amended from time to time with respect to matters of health, safety and nuisance, including without limitation, the power to enact by-laws to require and regulate the cleaning and clearing of land, refuse or debris; prohibiting and regulating public nuisances; regulating dangerous places; and for generally regulating matters related to the health, safety and well being of the inhabitants of the Municipality;

**And Whereas** Section 446 of the said Municipal Act provides where a municipality has the authority by by-law to direct or require that a matter or thing be done, the Municipality may, in the same by-law, direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense;

**And Whereas** the Council of the Corporation of the City of Quinte West has determined that allowing waste to be stored, placed, deposited, dumped or disposed of on any property (not zoned for such purpose) constitutes a public nuisance;

**And Whereas** the Council of the Corporation of the City of Quinte West has determined that it is necessary and appropriate for the health, safety and well being of its residents to require properties to be kept in a clean, tidy and safe condition;

**And Whereas** the Council of the Corporation of the City of Quinte West deems it necessary and advisable to enact this By-law in the interests of the health, safety and well being of its residents;

**Now Therefore** the Council of the Corporation of the City of Quinte West hereby enacts as follows:

1. This By-law may be entitled the "**Yard Maintenance By-law**".
2. **Definitions:**
  - 2.1 In this by-law,
    - (a) "**City**" and "**City of Quinte West**" shall mean The Corporation of the City of Quinte West, as incorporated on January 1, 1998;
    - (b) "**Council**" means the Council for the Corporation of the City of Quinte West;
    - (c) "**derelict vehicle**" means a vehicle that appears to the By-law Enforcement Officer, by reason of its age, appearance or mechanical condition to be incapable of being operated;
    - (d) "**domestic waste**" means any waste except industrial waste and includes, but is not limited to, garbage, refuse, furniture or other household items that are unusable or damaged, loose vehicle parts, animal feces, cut brush, lumber, salvage or similar material;
    - (e) "**farm**" means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1*, and includes such an operation that is not carried on with the exception of gain but otherwise meets the definition in the Act

- (f) **"hot tub"** means a body of water located outdoors contained by artificial means, with mechanisms allowing for the direction and/or adjustment of jets of warm water flowing in a rapidly rotating and circular current, and which produces a depression or cavity in the centre, and "hot tub" shall include tubs which are commonly called "spas" or "whirlpools";
- (g) **"industrial waste"** means waste from,
- (i) an enterprise or activity involving warehousing, storage or industrial, manufacturing or commercial processes or operations;
  - (ii) research or an experimental enterprise or activity;
  - (iii) clinics that provide medical diagnosis or treatment; or
  - (iv) schools, laboratories or hospitals;
- (h) **"naturalized area"** means a landscape area that has been deliberately implemented to produce ground cover which consist of one or more species of wildflowers, annuals, perennials and shrubs or a combination thereof, noxious weeds may not form any part of a naturalized area;
- (i) **"noxious weed"** means a noxious weed designated under the *Weed Control Act, R.S.O., 1990, c. W. 5*, including any weed designated as a local or noxious weed under a by-law of the City passed under the Act;
- (j) **"occupant"** means any person over the age of 18 years in actual or apparent possession of a property;
- (k) **"officer"** means a person appointed by Council by by-law from time to time to enforce the by-laws of the Municipality;
- (l) **"owner"** includes the registered owner of a property and the person for the time-being managing or receiving the rent for the property in question, whether on the person's own account or as agent or trustee for any other person or who would so receive the rent if such property were let and shall also include a lessee of the property who, under the terms of a lease, is required to repair or maintain the property;
- (m) **"person"** includes an individual, firm, partnership, association or corporation;
- (n) **"property"** means lands and premises appurtenant thereto and includes vacant land;
- (o) **"repair"** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that a property is not in contravention of the provisions of this By-law;
- (p) **"structure"** means any structure including a building occupying an area of ten square metres or less consisting of a wall, roof and floor or any of them;
- (q) **"swimming pool"** means any body of water located outdoors contained wholly or partly by artificial means and which can hold water exceeding 61 centimetres (24 inches) in depth at any point and includes a hot tub;
- (r) **"unplated vehicle"** means any vehicle that is required to be registered in order to be operated and which is required to have plates attached or registration number displayed, including current validation but which vehicle is not registered as aforesaid and/or does not have plates attached or the registration displayed; and
- (s) **"vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor,

road-building machine, bicycle and any vehicle drawn propelled or driven by any kind of power, including muscular power.

### **3. Application**

3.1 This By-law applies to all properties in the City of Quinte West.

### **4. Administration**

4.1 The Corporation of the City of Quinte West is responsible for the administration and enforcement of this by-law.

### **5. General**

5.1 No owner or occupant of any property shall:

- (a) store, place, deposit, dump or dispose of any domestic or industrial waste of any kind on such owner's or occupant's property; or
- (b) allow to remain or to be stored, placed, deposited, dumped or disposed of any domestic or industrial waste of any kind on such owner's or occupant's property.

5.2 Every person who owns or occupies a property shall take all such steps or measures as may be necessary to put and keep the property they own or occupy in a clean, tidy and safe condition, free from any health hazard or fire or other dangerous risk.

5.3 Without limiting the generality of Section 5.1 of this By-law, the Municipality may require every person who owns or occupies a property to do the following:

- (a) fill up, drain, clean, clear, fence or grade such property;
- (b) remove from such property or place inside a garage or other enclosed structure:
  - (i) un plated vehicles
  - (ii) derelict vehicles or
  - (iii) any other vehicle or machinery, not required to be plated
- (c) remove from such property any domestic waste or industrial waste;
- (d) cut weeds or grass that are more than 20 centimetres (8 inches) in height;
- (e) remove all noxious weeds;
- (f) correct any condition that may create a health, fire or safety hazard; and/or
- (g) clean and clear of any rubble, debris or construction material on the property.

5.4 Every owner or occupant of a property where an exterior bulk or roll-off container disposal system is used shall ensure the containers are:

- (a) equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
- (b) large enough to contain all waste generated between collections by occupants served; and
- (c) not loaded beyond the top of the container.

- 5.5 Every owner or occupant of a property shall:
- (a) not have more than 2 compost heaps on their property; and
  - (b) ensure that the compost heaps:
    - (i) have a maximum size of 1 metre<sup>3</sup>;
    - (ii) are located a minimum of 1 metre from any property line;
    - (iii) are enclosed on all sides by concrete blocks, a lumber structure, a metal frame, or a commercial plastic compost container; and
    - (iv) are stored and kept so as not to allow offensive odours to affect the surrounding neighborhood or attract vermin or other animals to the property.
- 5.6 Every owner or occupant of a property shall ensure that a purification system for a swimming pool or hot tub shall be installed and maintained so that water in the swimming pool or hot tub is properly filtered and purified so as not to present a health hazard.
- 5.7 No owner or occupant shall have on their property any open water closet, privy vault, well or cesspool, which may be dangerous to the health or safety of any person.

## 6. Exemptions

- 6.1 Notwithstanding the provisions of Section 5.1 and 5.4, the owner or occupant of property may place or store their domestic or industrial waste in proper containers designed for such purpose until, in the case of industrial waste, the container is scheduled for removal or emptying and, in the case of domestic waste, the day of the week that is designated as the day for garbage pick-up for that portion of the City, at which time the domestic waste shall be placed at the proper location for pick-up in proper containers.
- 6.2 The provisions of Section 5.1 of this By-law shall not apply to the landfill site owned by the City in the Frankford Ward.
- 6.3 Despite Section 5.1 of this By-law, firewood may be stored outside a fully enclosed structure on a property that is in a residential zone provided it is for use at the property where it is stored and the wood is securely and completely covered.
- 6.4 Section 5.3 (b) does not apply to vehicles or machinery that are required for use by a business (including agricultural) lawfully situated on the property.
- 6.5 Despite Section 5.3 (b) a maximum of two of the types of vehicles as listed may be stored on a property under an opaque cover secured and completely covering the vehicle.
- 6.6 Section 5.3 (d) does not apply to:
- (a) crops being grown on a farm; or
  - (b) naturalized area of a property.
- 6.7 Where a property exceeds one acre, Section 5.3 (d) shall only apply to a 3 metre strip along adjoining property lines surrounding residential areas.

- 6.8 Section 5.5 does not apply to a farm containing an active agricultural operation on a property zoned for such use.

## **7. Enforcement**

- 7.1 An officer may enter upon any property at any reasonable time for the purpose of inspecting the property for the purpose of determining compliance with the provisions of this By-law, subject to the provisions of Section 436 of the Municipal Act, 2001 as amended from time to time.
- 7.2 Where an officer finds that any property does not comply with the provisions of this By-law, the officer may provide a written Order to the owner and/or occupant of the property in accordance with Section 7.3 of this By-law.
- 7.3 An Order pursuant to Section 7.2 of this By-law shall:
- (a) be served on the owner and/or occupant of the property and a copy of the order may be posted on the property;
  - (b) specify the work to be done and the time or times within which it shall be completed; and
  - (c) specify the property upon which the work is to be done, sufficiently enough to enable the owner or occupier to identify it.
- 7.4 The time period stipulated in an Order for work to be completed shall be no less than:
- (a) 10 days for an Order requiring clean up of domestic waste, cutting and/or disposal of long grass or weeds; and
  - (b) 17 days for an Order requiring clean up and/or disposal of industrial waste, vehicles and all other materials other than items included in Section 7.4 (a) above.
- 7.5 An Order shall be served by delivering the order personally to the owner and/or occupant concerned, or by prepaid mail to the owner and/or occupant at the last-known address as shown on the latest revised assessment roll for the property and the delivery of such Order shall be deemed to be effective on the third day after the Order was mailed.
- 7.6 In the event that the owner or occupant fails to comply with an Order within the time period provided for in the Order, the owner and/or occupant shall be deemed to be in default, and in addition to any other fine or penalty that may be imposed by this or any other by-law or statute, the Municipality may enter onto the property and take such steps as are considered necessary to bring the property into compliance with the provisions of the By-law at the owner's or occupant's expense. The Municipality may recover the costs of taking such steps from the owner or occupant of the property and the Municipality may recover the costs by action or by adding the costs to the tax roll for the property and collecting them in the same manner as taxes.
- 7.7 Any object or thing removed from a property by the Municipality pursuant to this Section 7.6 of this By-law may be disposed of by the City at the expense of the owner or occupant of the property, subject to the provisions of the Repair and Storage Lien Act, R.S.O., 1990, c. R 25.
- 7.8 An administrative charge of \$ 125.00 will be added to the costs of bringing the property into compliance with the provisions of the By-law.

**8. Offence and Penalty Provisions**

8.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such fines and penalties as are provided for by the provisions of the Provincial Offences Act, R.S.O., 1990, c. P 33, as amended from time to time.

**9. Validity**

9.1 In the event that any provision or requirement of this By-law or the application of this By-law to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

9.2 In this By-law, unless the contrary intention appears, words importing the singular number shall include more persons, parties or things of the same kind than one, and words importing the masculine gender shall refer to females as well as males.

9.3 Where any provisions of this By-law conflict with any other by-law of the City, the most restrictive provisions shall apply.

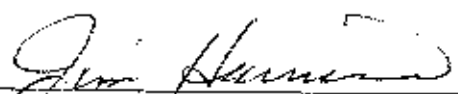
**10. Repeal**

10.1 By-law 06-67 and any amendments thereto are hereby repealed.

**11. Commencement**

11.1 This By-law shall come into force and take effect upon the final passing thereof.

**Read a First, Second and Third time and Finally Passed this 4th Day of April, 2016**

  
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Jim Harrison, Mayor

  
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Kevin Health, City Clerk