



SUBJECT: Lot Maintenance By-Law

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB 59-18

Wards Affected: All

File Numbers: N/A

Date to Committee: September 11, 2018

Date to Council: September 24, 2018

Recommendation:

Repeal Lot Maintenance By-law 12-2011 and approve a new Lot Maintenance By-law XX-2018, attached as Appendix "A" to department of city building report PB-59-18.

Purpose:

The purpose of this report is to repeal Lot Maintenance By-law 12-2011 and propose approval of a new Lot Maintenance By-law to regulate exterior property maintenance including vegetation, refuse and graffiti. The existing Lot Maintenance By-law is now outdated with respect to Provincial legislation and does not fully address current business needs.

This report is accordance with the following pillars of the Strategic Plan:

A City that Grows

- The Lot Maintenance By-law addresses matters that can arise as the City's population continues to grow.

A Healthy and Greener City

- The Lot Maintenance By-law provides for the social and environmental well-being of the City; the health, safety and well-being of its citizens; and, the protection of persons and property.
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Background and Discussion

The current Lot Maintenance By-law is outdated and difficult to enforce in some instances. With the changing needs of a growing community and ongoing changes to Provincial legislation, there is a need to update the By-law. By bringing the Lot Maintenance By-law into conformity with Provincial legislation and adding new definitions and sections, the By-law will be current and relevant to today's needs.

Removing, modifying and adding sections and definitions to the By-law will also serve to streamline the enforcement process and lead to improved success in achieving compliance.

Strategy/process

The following is an overview of changes to the proposed new by-law.

The following terms have been added in section 2 definitions in the new By-law:

Boulevard, Feed or Feeding, Graffiti, Illegal Dumping, Infestation, Ornamental Plants, Wildlife

There are several new sections in the proposed new by-law with respect to the owner or occupant of land being required to keep it clean and clear. The new sections are outlined below:

4. Maintenance of Property – “Vegetation”

All noxious weeds, whether dead or alive, shall be removed from the Property between May 1st and October 15th in each calendar year. Schedule A of By-law 12-2011 lists noxious weeds which were included in the Provincial *Weed Control Act* in 2011. This list in the Act has since been amended resulting in By-law 12-2011 being non-conforming. An example of this is the deletion of milkweed from the Weed Control Act as a noxious weed due to the concern for monarch butterfly habitats. The new Lot Maintenance By-law does not have a schedule listing noxious weeds but instead indicates that noxious weeds will be removed as per Provincial legislation and guidelines.

Naturalization has been addressed in section 4 of the new By-law and will permit land owners to have naturalized land cover, provided they do not contain noxious weeds as per the Provincial Weed Control Act and that it is maintained in a way that does not hinder visibility, safety, or otherwise offend the proposed by-law.

5. Firewood

Firewood for domestic use may be stored in a rear yard with certain measurements and criteria being adhered to.

6.1 Outdoor Storage of Refuse and Recyclable Material

Storage of recycle containers in rear yards is allowed provided it is in a controlled condition so that they do not attract rodents, vermin, insects or Wildlife, and so that Refuse cannot escape from or be blown out of its container.

6.4 No Breach when Complying with Waste Collection

A person does not contravene this By-law merely by storing, preparing or placing items out for collection within an approved container by the Region of Halton in accordance with any by-law pertaining to the collection of waste, recyclable material or yard waste.

7. Compost and Pet Food

A property may provide for not more than two compost heaps, provided the piles are located in the rear yard and shall be stored and kept on a Property in a reasonable manner so as not to allow offensive odours to affect the surrounding neighborhood or attract rodents, vermin, insects or other pests to the property.

8. Pest Prevention

No property owner shall cause or permit their property to accumulate dirt or refuse to the extent that it negatively impacts or spreads to neighboring properties.

The proposed new Lot Maintenance By-law was created in concert with the Legal Department and surrounding municipalities best practices in their By-laws. The new By-law is attached as Appendix "A" in this report.

Financial Matters:

Not applicable.

Total Financial Impact:

Not Applicable.

Source of Funding:

Not Applicable

Other Resource Impacts

Not applicable.

Connections:

The City Building and Legal Departments have worked together to draft the proposed new Lot Maintenance and Property Standards By-laws.

Public Engagement Matters:

None.

Conclusion:

It is recommended that the Lot Maintenance 12-2011 be repealed and replaced with an updated Lot Maintenance By-law that will better address current community and service delivery needs and expectations.

Respectfully submitted,

Grant Ziliotto

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Appendices:

- A. Lot Maintenance By Law XX-2018

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.