

The Corporation of the City of Burlington

City of Burlington By-law XX-2022

A by-law to Repeal and Replace Lot Maintenance By-law 59-2018, being a By-law to Regulate Exterior Property Maintenance including Vegetation, Refuse and Graffiti  
File: 110-04-1 ("BB-07-2022, DA-47-22")

WHEREAS sections 8, 9, and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the "*Municipal Act, 2001*") authorize The Corporation of the City of Burlington (the "City") to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, and 8 of subsection 11 (2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property; and

WHEREAS section 127 of the *Municipal Act, 2001* authorizes the City to require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings and to regulate when and how such matters shall be done, and for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of land; and

WHEREAS section 128 of the *Municipal Act, 2001* authorizes the City 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 in the opinion of Council for the City, parking, standing or stopping a motor vehicle on a front yard or side yard is or could become a public nuisance;

WHEREAS in the opinion of Council for the City, the presence of yard waste, long grass, pests, graffiti, derelict vehicles, unkept firewood and standing water is or could become a public nuisance;

WHEREAS section 129 of the *Municipal Act, 2001*, authorizes the City to pass by-laws prohibiting and regulating with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and

WHEREAS section 131 of the *Municipal Act, 2001*, S.O. 2001, authorizes the City to 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 disposal; and

WHEREAS section 425 of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence; and

WHEREAS section 428 of the *Municipal Act, 2001* authorizes the City to pass a by-law providing that where a motor vehicle has been left parked, stopped or standing in contravention of a by-law, the owner of the motor vehicle is guilty of an offence, even though the owner was not the driver of the motor vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the motor vehicle was in the possession of another person without the owner's consent;

WHEREAS section 446 of the *Municipal Act, 2001* permits a municipality that has authority to pass by-laws directing or requiring that a matter or thing be done to also provide 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 that a municipality may enter upon land and into structures at any reasonable time for the above purpose and further that a municipality may recover the cost of doing a thing or matter required above and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

WHEREAS subsection 434.1 (1) of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act; and

WHEREAS section 441.1 of the *Municipal Act, 2001* authorizes a municipality to add any part of a fine for a commission of a provincial offence that is in default under section 69 of the POA, to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes; and

WHEREAS Council deems it appropriate to repeal and replace the Lot Maintenance By-law to, among other things, revise the definition of 'naturalized area', to prohibit parking on front and side yards, to establish a system of administrative penalties, and to clarify offences under the Lot Maintenance By-law are continuing offences, and to provide for addition of defaulted fines to the tax roll for any property for which all of the owners are responsible for paying the fine and to collect it in the same manner as municipal taxes; and

NOW THEREFORE the Council of the Corporation of the City of Burlington enacts as follows:

## **PART 1 - DEFINITIONS**

1.1 In this by-law:

**"Administrative Monetary Penalties By-law"** means the Administrative Penalties By-law of the City of Burlington, as amended or replaced from time to time.

**"Administrative Penalty"** means an administrative penalty established by this By-law and specified in the Administrative Monetary Penalties By-law;

**“boulevard”** means that portion of the road allowance which is not used as travelled roadway or shoulder;

**“buffer strip”** means vegetative growth cut to the height of 20 centimeters or less;

**“City”** or **“City of Burlington”** means The Corporation of the City of Burlington;

**“Council”** means the Council of The Corporation of the City of Burlington;

**“derelict vehicle”** includes but is not limited to a motor vehicle that:

- a) is inoperative by reason of removed wheels, battery, motor transmission or other parts or equipment necessary for its operation;
- b) is not in a roadworthy condition;
- c) is in a state of disrepair or unsightly by reason of missing doors, glass or other body parts;
- d) is inoperable and appears incapable of use as a means of lawful transportation; or,
- e) does not have affixed to it a valid licence plate;

**“Director”** means the Director of Building and By-law Department, or delegate.

**“dumping”** means throwing, placing or disposing refuse on property or public property;

**“front lot line”** means any property line of the property abutting a street;

**“front yard”** means a yard extending across the full width of a property measured between the front lot line and the nearest part of a building on the property;

**“graffiti”** means one or more letters, symbols, drawings, etchings, messages or slogans, paintings or marks, howsoever made, applied to any surface, but does not include any of the following:

- a) a sign authorized pursuant to the City’s Sign by-law; or
- b) a sign, public notice or traffic control mark authorized by municipal, federal or provincial law;

**“lot”** or **“yard”** means the land within the boundary lines of a property, other than public property, not occupied by a principal building, if any, and includes grounds or vacant property;

**“motor vehicle”** means an automobile, truck, motorcycle, snowmobile, trailer, boat, recreational vehicle and any other vehicle propelled or driven by other than muscular power, or a traction engine, farm tractor, self-propelled implement of

husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c.H8, as amended;

“**naturalized area**” means an area or vegetation deliberately planted or cultivated with one or more species of wild flowers, shrubs, annuals, perennials, ornamental grasses, or combination of them, that is monitored and maintained by a person;

“**noxious weed**” means a noxious weed designated by or under the *Weed Control Act*, R.S.O. 1990, c. W.5, as amended;

“**occupant**” means a person over the age of 18 in possession of a property;

“**Officer**” means a police officer, a person appointed by the City of Burlington as a municipal law enforcement officer, a by-law enforcement officer of the City and includes a person employed by the City whose duties are to enforce this By-law;

“**ornamental plants**” means a plant deliberately grown for beautification, screening, accent, specimen, colour or other aesthetic reasons but does not include vegetative growth as defined in this by-law.

“**owner**” means the registered owner of property and includes a lessee, a mortgagee in possession, and any person having care and control over any portion of the property under consideration, and includes an occupant of property;

“**person**” means an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau or agency;

“**property**” means land including a building or structure, if any, or part of building or structure, and includes vacant property;

“**public property**” means property that is owned by the City or any of its boards and agencies, The Regional Municipality of Halton, Halton District and Halton Catholic School Boards, the Crown in Right of Ontario or any of its agencies or property of the Crown in Right of Canada or any of its agencies;

“**rear lot line**” means the property line farthest and opposite to the front lot line;

“**rear yard**” means a yard extending across the full width of a property measured between the rear lot line and the nearest part of a building on the property;

“**Region**” means The Regional Municipality of Halton;

“**side lot line**” means any property line other than a front or rear lot line;

“**sidewalk**” means that portion of a highway between the curb line and the property line of the lot abutting the highway and which is intended for the use of pedestrians;

“**side yard**” means a yard extending from the front yard to the rear yard measured between the side lot line and the nearest part of a building on the lot;

“**standing water**” means non-flowing, uncirculated, motionless, or stale water that has remained in a location for a period exceeding 7 days, but does not include water that is in a covered rain barrel or a swimming pool, hot tub, wading pool or artificial pond maintained in good repair and working order;

“**street**” means a highway as defined in the *Municipal Act, 2001*;

“**tree**” means any species of woody perennial plant, including its root system that will reach a height of at least 4.5 metres at physiological maturity;

“**vegetative growth**” means woody or herbaceous plant material such as undergrowth, grass, brush, and common weeds (such as crab grass, dandelions, clovers, pigweed (amaranth), ribwort plantain, and buckhorn plantain) and includes various perennial grasses grown for lawns, of a type that forms a dense, uniform turf if mown;

“**waste**” or “**refuse**” means any article, thing, matter, substance, material or effluent, and includes, but is not limited to:

- (i) rubbish, filth, garbage, ashes, bottles, cans, cartons, clothing, toys, packing materials, paper;
- (ii) animal feces, carcasses and droppings;
- (iii) broken or discarded material;
- (iv) disconnected appliances and parts of such appliances;
- (v) indoor furniture and household effects;
- (vi) inoperative machinery or mechanical equipment, parts of such machinery not packaged for immediate shipment or parts of vehicles not packaged for immediate shipment, including worn automobile tires, used oil, and automobile parts;
- (vii) material resulting from construction, demolition, repair or renovation projects, including soil or rock fill;
- (viii) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment;
- (ix) vegetative waste, leaves, soot, tree or shrub trimmings, garden waste, stumps, branches and other similar natural or vegetative waste; or,
- (x) waste lumber; and,

“**wildlife**” means an animal that belongs to a species that is wild by nature, but does not include an animal that is kept in accordance with;

- (i) the City’s Animal Control by-law;
- (ii) research undertaken by a university, college or similar provincially or federally recognized research institution.

## **PART 2 – APPLICATION OF BY-LAW**

- 2.1 This By-law applies to property within the City of Burlington.
- 2.2 Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation prevails.

## **PART 3 – GENERAL MAINTENANCE OF PROPERTY**

- 3.1 Every owner of property shall ensure that the vegetative growth on the lot of their property is maintained in accordance with this by-law.
- 3.2 Every owner of property shall ensure that the lot of their property does not remain ungraded or free of vegetative growth for more than thirty days unless the property is:
  - (a) a construction site for which a site alteration permit and/or a building permit has been issued and remains valid and active;
  - (b) being developed under a subdivision or registered site plan agreement with the City; or,
  - (c) being actively farmed.
- 3.3 Every owner shall maintain the lot of their property so as to prevent:
  - (a) instability including but not limited to the erosion of the soil;
  - (b) dust, dirt or the accumulation of mud affecting abutting property.
- 3.4 For property that is equal to or less than 0.4 ha in area, every owner shall cut all vegetative growth on the lot of their property whenever the growth exceeds 20 centimeters in height or length, excluding:
  - (a) ornamental plants;
  - (b) shrubs or trees;
  - (c) cultivated fruits or vegetables;
  - (d) plants buffering or otherwise protecting a natural feature such as a watercourse; or
  - (e) naturalized area that is in compliance with this By-law.
- 3.5 For property that is greater than 0.4 ha in area, every owner shall cut and maintain a buffer strip within three metres of any adjoining property line, for all vegetative growth excluding:
  - (a) ornamental plants;
  - (b) shrubs or trees;
  - (c) cultivated fruits or vegetables;

- (d) plants buffering or otherwise protecting a natural feature such as a watercourse; or
  - (e) naturalized area that is in compliance with this By-law
- 3.6 Every owner of property, other than public property, shall maintain the adjoining boulevard at their expense, and shall cut vegetative growth on the boulevard whenever the height of the vegetative growth exceeds 20 centimeters in height or length and shall keep the boulevard free of all noxious weeds.
- 3.7 Every owner of property shall remove and destroy all noxious weeds, whether dead or alive, from their lot.
- 3.8 In addition to other requirements in this By-law, every owner of property shall maintain all vegetative growth, which for the purpose of this section includes ornamental plants, shrubs, trees, cultivated fruits or vegetables, naturalized areas, hedges and other vegetation, on the lot of their property according to the following requirements:
- (a) vegetative growth shall not obstruct sidewalks or streets;
  - (b) vegetative growth shall not conceal or interfere with the use of any fire hydrant or water valves;
  - (c) vegetative growth shall not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices; and
  - (d) any other conditions respecting health and safety as the Director considers advisable.
- 3.9 Despite the provisions of this section, nothing in these clauses shall be deemed to prevent a farm, meeting the definition of “Agricultural Operation” under the *Farming and Food Protection Act*, S.O. 1998, c.1, as amended, from carrying out a “normal farm practice” as defined by that *Act* on property where agricultural uses are permitted under land use by-laws.

## **PART 4 – DOMESTIC STORAGE OF FIREWOOD, WASTE AND TOOLS**

### **Firewood Storage**

- 4.1 Every owner of property, excluding public property, shall:
- (a) keep the front yard of their property free and clear of firewood for domestic use;
  - (b) ensure that firewood is neatly piled not less than 30 centimeters from any property line, stored at a height of not less than 15 centimeters above grade, and stored with a total height of not more than 1.5 metres.

### **Storage of waste for disposal and compost**

- 4.2 Every owner of property shall keep the lot of their property in a clean condition and free and clear of waste, other than as provided under section 4.3.
- 4.3 Every owner shall store waste, compost, pet food and animal food in a clean and well-maintained manner.
- 4.4 For the purpose of section 4.3, “clean” or “well-maintained” means:
- (a) within a proper recycling bin, garbage receptacle or other acceptable container(s) in accordance with any regional by-law pertaining to the collection of waste;
  - (b) stored in such a manner that prevents waste from escaping or being blown out of its container(s);
  - (c) sanitary and odour-controlled condition, such as a well-maintained bird feeder, as to not attract rodents, vermin, insects, pests or wildlife, or create a health and safety hazard, save and except as permitted under City’s Animal Control By-law; ; and
  - (d) not be stored in the front lot or on any porch or balcony visible from a street.
- 4.5 A person does not contravene this by-law by storing, preparing or placing items out for collection within receptacles approved by the Region in accordance with any by-law pertaining to the collection of waste, recyclable material or yard waste.
- 4.6 Every owner of property shall:
- (a) have no more than two compost heaps on the lot of their property, and
  - (b) ensure that each compost heap:
    - (i) is located in the rear yard;
    - (ii) is no larger than 1 cubic metre;
    - (iii) is no higher than 1.8 metres;
    - (iv) is enclosed on all sides by concrete blocks, a lumber structure, a metal frame or a commercial plastic compost container.

### **Temporary Storage of Tools**

- 4.7 No owner shall store tools, equipment or construction materials (the “**tools**”) on the lot of their property for a period of more than 21 days unless the property is:
- (a) a construction site for which a site alteration permit and/or a building permit has been issued and remains valid and active;
  - (b) being developed under a subdivision or registered site plan agreement with City;
  - (c) used for storage of materials with the approval of the City; or



- (d) unless extension of time is granted in writing by an Officer.

## **PART 5 - PEST PREVENTION**

### **Pest Prevention**

- 5.1 Every owner of property shall maintain the lot on their property free from any nests of bees, wasps, hornets, rodents, vermin, insects or other pests.

## **PART 6 - STANDING WATER, DUMPING, DERELICT VEHICLES, LOT PARKING AND GRAFFITI**

### **Standing Water**

- 6.1 No owner of property shall cause or permit the collection of standing water on a lot of their property.
- 6.2 Every owner of property shall take all necessary steps to keep the swimming pool on their property free from standing water.
- 6.3 Every owner of property shall take all necessary steps to remove or dispose of standing water located on the lot of their property or in the swimming pool when required to do so by an officer.

### **Dumping**

- 6.4 No person shall cause or permit littering or dumping of any waste or refuse on any property .

### **Derelict Vehicles**

- 6.5 No owner of property shall cause or permit the storage of derelict vehicles or parts thereof on the lot of their property, including for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition.
- 6.6 Every person shall park or store any derelict vehicles only within an attached or detached private garage or carport.
- 6.7 Section 6.5 does not apply if zoning by-laws permit to be so used and the owner of the property holds a current and valid licence issued by the City, permitting motor vehicle salvage and/or storage on the property.

### **Lot Parking**

- 6.8 No person shall park, stand or stop a motor vehicle on front yard or side yard except as authorized by statute, regulation, by-law or otherwise by the City.
- 6.9 No person shall permit the parking, standing or stopping of a motor vehicle on

front yard or side yard except as authorized by statute, regulation, by-law or otherwise by the City.

### **Graffiti**

- 6.10 No person shall place or cause or permit graffiti to be placed on public or private property.
- 6.11 Every owner of property shall keep the lot of their property and any erection or object on the lot free of graffiti.
- 6.12(1) Every owner of property shall clean the exterior of any erection or object on the lot of their property of graffiti.
  - (2) For the purposes of section 6.11 and subsection 6.12(1), “erection or object” includes but is not limited to a fence, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container.

### **PART 7 - MAINTENANCE OF BOULEVARDS, SIDEWALKS, WALKWAYS AND DRIVEWAYS**

- 7.1 Every owner of private property, except public property, shall keep the boulevard abutting their property free and clear of all waste.
- 7.2 No owner property, except public property, shall cause or permit the storage of any waste or other household or commercial item that encroaches, obstructs or impedes the entry or use of any sidewalk which abuts upon such property.
- 7.3 Every owner of property, except public property, shall ensure that the hard-surfaced walkway, driveway, parking area of their property is evenly graded and maintained free of potholes or uneven sections.

### **PART 8 – ENFORCEMENT**

#### **General**

- 8.1 The Director is authorized to administer and enforce this By-law including but not limited to:
  - (a) arranging for:
    - (i) the assistance or work of City staff, City agents or the assistance of police officers;
    - (ii) the making of orders or other requirements and the imposition of conditions as authorized under this By-law;
    - (iii) the obtaining of court orders or warrants as may be required;
    - (iv) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law as deemed necessary; and
  - (b) prescribing the format and content of any forms or other documents

required under this By-law.

- 8.2 The Director may assign Officers to enforce this By-law and Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:
- (a) carry out inspections;
  - (b) make orders or other requirements as authorized under this By-law; and
  - (c) give immediate effect to any orders or other requirements made under this By-law.
- 8.3 The Director and all City employees of the Burlington Building and By-law Department are appointed as Officers for the purposes of the administration and enforcement of this By-law and the applicable sections of the *Municipal Act, 2001*.

### **Entry and Inspections**

- 8.4 An Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) an order or other requirement made under this By-law; or
  - (b) an order made under section 431 of the *Municipal Act, 2001*.
- 8.5 An Officer, for the purposes of the inspection under section 8.4 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 8.6 An Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been prevented or is likely to be prevented from carrying out an inspection under section 8.4 of this By-law.

## Orders

- 8.7 If an Officer is satisfied that a contravention of this By-law has occurred, they may make an order requiring the person who contravened the By-law or who has caused or permitted the contravention to discontinue the contravening activity.
- 8.8 An order under subsection 8.7 shall set out:
- (a) the reasonable particulars of the contravention and the location on which the contravention occurred; and,
  - (b) the nature of the action that must be taken to achieve compliance and the date and time by which there must be compliance with the order, which may be of immediate effect should the Officer determine that the circumstances warrant.
- 8.9 If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who has contravened this By-law or who caused or permitted the contravention or the owner of a property on which the contravention occurred to do work to correct the contravention.
- 8.10 An order under section 8.9 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
  - (b) the work to be completed which may include but is not limited to requiring that prior to performing any work, all necessary permits or other approvals be applied for and obtained;
  - (c) the date or dates by which the work must be completed; and
  - (d) notice that if the order is not complied with, then the work may be done at the expense of the person ordered to do the work.
- 8.11 An Order under sections 8.7 or 8.9 shall be served:
- (a) upon the owner or the person the Director determines to be responsible for the contravention by personal service, which shall be deemed effective on the day of service, or
  - (b) by emailing it to the last known email address, which shall be deemed effective the day after it is e-mailed; or
  - (c) by mailing a copy of the notice by registered mail to the last known address which shall be deemed effective 5 days after it is mailed.
- 8.12 Where a time frame is set out in an order or other document for carrying out any action, an Officer may extend the time for compliance beyond the established time

frame provided such extension is required and is acceptable to the Officer.

### **City Carrying Out Work**

- 8.13 Where a person does not comply with a direction or a requirement, including an order, to do a matter or thing, the Director, with such assistance by others as may be required, may carry out such direction, requirement or order at the person's expense.
- 8.14 Where the costs of doing a matter or thing under section 8.13 are estimated to be:
- (a) up to but not including \$10,000, the Director may proceed without further approval and in accordance with the City's Procurement Policy; or,
  - (b) \$10,000 or greater, the Director may proceed with approval of an authorized person or of Council and in accordance with the City's Procurement Policy.
- 8.15 The City may recover the costs of doing a matter or thing under section 8.14 by means of any one or more of:
- (a) bringing an action;
  - (b) adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate of 15 per cent commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full; or
  - (c) charging a fee as set out in the City's By-law to Impose Rates and Fees or as otherwise set and approved by Council from time to time.
- 8.16 The amount of the City's costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

## **PART 9 – PENALTIES**

### **General**

- 9.1 Every person who contravenes any provision of this By-law, or who obstructs or attempts to obstruct an officer of an employee or agent of the City in carrying out their duties under this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- 9.2 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.

- 9.3 All contraventions of any provision of this By-law or an Order issued pursuant to this By-law are designated as multiple offences and continuing offences pursuant to subsections 429(2) and (5) of the *Municipal Act, 2001*.
- 9.4 Every person other than a corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for a subsequent offence.
- 9.5 Every corporation that contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence.
- 9.6 Any person who contravenes an order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of \$10,000 for each day or part of a day that the offence continues, and despite section 9.4 and section 9.5, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those sections.
- 9.7 Every person who is convicted of an offence under this By-law may be liable, in addition to the fines established under sections 9.4, 9.5, and 9.6, to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law or failing to comply with an order made under this By-law.
- 9.8 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
  - (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 9.9 Where any person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the City related to the contravention.

### **Administrative Monetary Penalties System**

- 9.10 This by-law in its entirety is designated as a by-law to which the City's Administrative Monetary Penalties By-law applies.
- 9.11 Every person who contravenes any provision of this By-law, and each registered owner, when given a Penalty Notice in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an Administrative Penalty in the

amount specified in the Administrative Monetary Penalties By-law, and any fees related thereto.

**PART 10 – GENERAL PROVISIONS**

- 10.1 If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be in force.
- 10.2 This by-law may be referred to as the “Lot Maintenance By-law”.

**Part 11 - TRANSITION, REPEAL AND ENACTMENT**

- 11.1 By-law 59-2018 is hereby repealed.
- 11.2 All prosecutions and other enforcement processes commenced under By-law No. 59-2018 which have not been completed on the day this By-law comes into force shall be completed under By-law No. 59-2018 as if it had not been repealed.
- 11.3 This By-law comes into force on the day of its passing.

PASSED this XX<sup>th</sup> day of XXX, 2022

Mayor Marianne Meed \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_