

PROPERTY MAINTENANCE

Chapter 492 LOT MAINTENANCE AND WASTE

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Article 1 INTERPRETATION

492.1.1 Buffer strip - defined

“buffer strip” shall mean the cleared land between any property line and a naturalized area, for the purpose of delineating such an area and measuring at least 1.0 metres (36 inches) wide or as otherwise prescribed by the Chief Building Official, a border of a minimum of 0.9 metres (36 inches) wide that delineates a naturalized area.

492.1.2 Chief Building Official

“Chief Building Official” shall mean the individual appointed as the Chief Building Official by The Corporation of the City of Brantford, or his or her designate for administrative purposes.

492.1.3 City - defined

“City” shall mean The Corporation of the City of Brantford or the geographic area of the municipality, as the context requires.

492.1.4 Clean or Cleared – defined

“clean or cleared” shall include the removal of weeds and the maintenance of turf grass areas as set out in subsection 492.2.3, as well as the removal of stock piles of soil or other aggregate material not required to complete the grading of the land on which the stock pile is located.

492.1.5 Domestic waste - defined

“domestic waste” shall mean any debris, rubbish, refuse or garbage, ar-

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ticle, thing, matter or any effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following examples:

- (a) grass clippings, weeds, tree and garden cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) all organic waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container;
- (d) cans, glass, plastic containers, dishes;
- (e) new or used material resulting from or once used for the purpose of the construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or any other appliance or furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) discarded motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) fill or fencing materials;
- (j) rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
- (k) human or animal waste.

492.1.6 Industrial waste - defined

“industrial waste” shall mean any debris, rubbish, refuse or garbage, article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes but is not limited to the following examples:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjunct to the piping, tubing, conduits or cable;
- (b) containers of any size, type or composition;
- (c) rubble, fill;

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- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter or effluent or any part thereof derived from or made or consisting of: agricultural, animal, vegetable, paper, lumber or wood products or mineral, metal or chemical products, lubricants, oils or hydrocarbons whether or not the products are used, manufactured or otherwise processed;
- (f) bones, feathers, hides;
- (g) paper, cardboard, packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition of buildings or other structures; and
- (i) discarded motor vehicles, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment.

492.1.7 Inoperative motor vehicle - defined

“inoperative motor vehicle” shall mean a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevents its mechanical function.

492.1.8 Land – defined

“land” shall include all yards, grounds, vacant lots or any part of a yard, ground, or lot that is not beneath a building and, without limiting the generality of the foregoing, shall include land beneath unenclosed decks, unenclosed porches, unenclosed garages, carports, driveways, play structures, balconies, awnings, and patios.

492.1.9 Motor vehicle - defined

“motor vehicle” shall mean a motor vehicle as defined in the *Highway Traffic Act*, as amended.

492.1.10 Naturalized area - defined

“naturalized area” shall mean lands that are covered by vegetation that is landscaped and maintained with a variety of flowers or plants, with or without turf grass, or left to grow a variety of indigenous plants.

492.1.11 Officer - defined

“officer” shall mean a municipal law enforcement officer or other person appointed or employed by the City for enforcement of by-laws.

492.1.12 Owner - defined

“owner” shall include a registered owner, beneficial owner, lessee or occupant.

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492.1.13 Perennial gardens - defined

“perennial gardens” shall mean an area deliberately implemented to produce ground cover, including wild flowers, shrubs, perennials, ornamental grasses or combinations of them, but does not include a naturalized area.

492.1.14 Trailer - defined

“trailer” shall mean a trailer as defined in the *Highway Traffic Act*, as amended.

492.1.15 Turf grass area – defined

“turf grass area” shall mean lands containing turf grass species such as blue grass, fescues, perennial ryes and tall fescues, ryegrasses or bentgrasses or any combination thereof, but shall not include a naturalized area or a woodlot.

492.1.16 Unlicensed motor vehicle - defined

“unlicensed motor vehicle” shall mean the lack of a currently validated permit for the motor vehicle and number plates displayed on the vehicle within the meaning of the *Highway Traffic Act*, as amended.

492.1.17 Waste - defined

“waste” shall mean domestic waste and/or industrial waste as defined in this Chapter and means material or effluent that, in the opinion of the Chief Building Official or officer:

- (a) appears to have been cast aside or discarded or abandoned; or
- (b) appears to be worthless or useless or of no practical value; or
- (c) appears to be used up, in whole or in part, or expended or worn out in whole or in part.

492.1.18 Weeds - defined

“weeds” shall mean any of the plants listed in the following schedule:

| Item | Common Name | Scientific Name |
|------|---------------------|-----------------------|
| 1. | Barberry, common | Berberis vulgaris L. |
| 2. | Buckthorn, European | Rhamnus cathartica L. |
| 3. | Common crupina | Communis Crupina |
| 4. | Colt’s-foot | Tussilago farfara L. |
| 5. | Dodder spp. | Cuscuta spp. |

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| 6. | Black Dog Strangling Vine | Vincetoxicum nigrum |
| 7. | Dog Strangling Vine | Cynanchum rossicum |
| 8. | Hemlock, poison | Conium maculatum L. |
| 9. | Jointed goatgrass | Aegilops cylindrica |
| 10. | Knapweed spp. | Centaurea spp. |
| 11. | Kudzu | Pueraria lobata |
| 12. | Poison-ivy | Rhus radicans L. |
| 13. | Ragweed spp. | Ambrosia spp. |
| 14. | Serrated tussock | Nassella trichotoma |
| 15. | Smooth bedstraw | Cruciata laevipes syn Galium cruciata |
| 16. | Sow-thistle, annual, perennial | Sonchus spp. |
| 17. | Spurge, Cypress | Euphorbia cyparissias L. |
| 18. | Spurge, leafy | Euphorbia esula L. (complex) |
| 19. | Tansy ragwort | Herba St. Jacobi |
| 20. | Thistle, bull | Cirsium vulgare (Savi) Tenore |
| 21. | Thistle, Canada | Cirsium arvense (L.) Scopoli |
| 22. | Wild chervil | Anthriscus sylvestris |
| 23. | Wild parsnip | Wild pastino |
| 24. | Woolly cupgrass | Eriochloa villosa |

492.1.19 Woodlot – defined

“woodlot” shall mean an area of trees in excess of 0.2 hectares that is not a naturalized area or a turf grass area.

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492.1.20 Measurement - metric - imperial

Where this Chapter provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate.

Article 2

GENERAL PROVISIONS

492.2.1 Maintained - neat - tidy - prevention - hazard

Every owner shall keep their lands maintained in a neat and tidy condition, including the removal of all waste.

492.2.2 Land - clean - cleared - free of waste

Every owner shall keep their lands cleaned, cleared and free from any and all domestic and industrial waste.

492.2.3 Property Maintenance

Every owner shall keep the vegetation on their property clean and cleared in the following manner:

- (a) the removal of weeds from all turf grass areas, naturalized areas and buffer strips;
- (b) in turf grass areas, the cutting of grass so that its height is maintained below 20.32 centimetres (8 inches) in height, and the removal of all grass clippings.

492.2.4 Weeds - destroyed

Every owner shall remove and destroy all weeds located on their land.

492.2.5 Weed removal

For the purposes of Section 492.2.3(a) and Section 492.2.4, weeds shall be destroyed by the following means:

- (a) pulling or otherwise removing the plants from the soil;
- (b) cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after cutting;
- (c) turning the soil in which the plants were growing so as to bury or kill the weeds; or
- (d) treating with a herbicide that causes the plants to be destroyed, or which prevents the growth of the plants or the ripening of their seeds, provided that nothing in this clause authorizes the use of any herbicide that is contrary to any other law in force in Ontario.

492.2.6 Buffer strip maintained

Every owner shall maintain a buffer strip, such that the length of the vegetation does not exceed 20.32 centimetres (8 inches).

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492.2.7 Hedges - trees - trimmed

Every owner shall keep all hedges and trees adjacent to a public sidewalk or roadway cut and trimmed so as to allow safe unhindered pedestrian traffic.

492.2.8 Dumping - prohibited - without lawful authority

No person shall throw, place, dump, litter or deposit domestic or industrial waste on private lands or structures or City lands or structures without lawful authority.

492.2.9 Inoperative and unlicensed motor vehicles

Every owner shall keep their lands clean and free from wrecked, dismantled, inoperative or unlicensed motor vehicles or trailers, except those in an establishment which is licensed or authorized to conduct or operate a wrecking business and then only if the vehicles or trailers are kept in a manner to avoid an unsafe or unsightly condition.

492.2.10 Land Abutting Untraveled Portions of Highway – Maintenance

Every owner of land abutting a highway shall ensure that the untraveled portion of said highway that abuts said owner's land is kept clear of any and all waste, weeds, inoperative motor vehicles and unlicensed motor vehicles, and shall ensure that all turf grass areas on said untraveled portion of the highway are maintained in accordance with this Chapter.

Article 3 ADMINISTRATION

492.3.1 Administration - by Building Department

This Chapter is administered by the Building Department of the City.

492.3.2 Orders

An officer may make an order, sent by pre-paid regular mail to the last known address, posted on site or personally delivered to an owner, requiring the owner, within the time specified in the order that they shall:

- (a) clean and clear up the lands and to bring the lands into compliance with any Section of this Chapter;
- (b) clean, clear or remove from the land or structure any or all domestic and/or industrial waste of any kind;
- (c) to cover over, screen, shield or enclose the domestic and/or industrial waste in the manner prescribed; and
- (d) cease using the land or structure for the dumping or disposing of domestic and/or industrial waste of any kind.

492.3.3 Notice provisions

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Every order sent shall identify the land or structure and shall be sent to the address shown on the last revised assessment roll or to the last known address.

492.3.4 Inspections

For purposes of ensuring compliance with the provisions of this Chapter, the officer may, at all reasonable times, enter upon and inspect any land or structures where waste material is located or kept, not including any structure used as a dwelling.

492.3.5 Obstruction

Every owner shall permit an officer to inspect the land or structure for the purpose of Section 492.3.4 and shall not hinder or obstruct any employee or agent authorized to carry out work for the City specified in an order issued hereunder.

492.3.6 Compliance - failure - cleaned - owner expense

Where the owner, fails to comply with the order of the officer, within a prescribed period of time, the Officer may cause the required work to be done at the cost of the owner. Where any of the materials or things are removed in accordance with Section 492.3.2, the matters or things may be immediately disposed of by the officer, and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited first against costs incurred under this Section and then if sufficient to eliminate those costs the balance shall be refunded to the persons who was in possession of the materials or things prior to their removal from the land.

492.3.7 Cost recovery

The City shall recover all costs and expenses associated with actions taken and work done to the lands under this Article in a manner as provided by statute, whether by action or as otherwise provided.

Article 4 EXEMPTIONS

492.4.1 Excavations - construction sites

This Chapter does not apply to land on which construction is proceeding under a current valid building permit.

492.4.2 Outdoor storage

This Chapter does not apply to land, which is lawfully used for outdoor storage of materials.

492.4.3 Agricultural lands

This Chapter does not apply to lands zoned for agricultural purposes.

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492.4.4 Perennial gardens

Perennial gardens are permitted provided that the gardens are managed in accordance with this Chapter and provided that the gardens do not contain ragweed, poison ivy or domestic waste except for the purpose of composting.

492.4.5 City dumping

Section 492.2.6 does not apply to land or structures used by the City for the purpose of dumping or disposing of garbage or refuse or land designated by by-law of the City for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste.

492.4.6 City Naturalized Areas

Subsections 492.2.1, 492.2.2, 492.2.3, 492.2.4, and 492.2.6 of this Chapter shall not apply to naturalized areas or woodlots located on land owned or leased by the City.

492.4.7 Woodlots Exempt

Subsection 492.2.4 of this Chapter shall not apply to woodlots.

Article 5 ENFORCEMENT

492.5.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a penalty subject to the provisions of the *Provincial Offences Act* and every such penalty shall be recoverable pursuant to the said Act.

492.5.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Article 6 SEVERABILITY

492.6.1 Validity

If a court or tribunal of competent jurisdiction declares any portion of this Chapter to be illegal or unenforceable, that portion of this Chapter will be considered to be severed from the balance of the Chapter, which will continue to operate in full force.

Article 7 ENACTMENT

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492.7.1 By-law - previous

This Chapter shall come into effect immediately upon the passing of the enabling by-law. By-law 57-2007, 10 April, 2007; By-law 11-2016, 26 January, 2016