



By-law 2011-107

Yard Maintenance By-law (Consolidated – as amended)

This By-law printed under and by
the authority of the Council of the
City of Barrie

**A By-law of the Corporation of the City of Barrie
to prescribe standards for the maintenance of
lands and properties in the City of Barrie and to
repeal By-law 90-355 as amended.**

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Bill No. 122

BY- LAW NUMBER 2011-107

A By-law of the Corporation of the City of Barrie to prescribe standards for the maintenance of lands and properties in the City of Barrie and to repeal By-law 90-355 as amended.

WHEREAS Section 10 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

AND WHEREAS Section 122 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may require the owners or occupants of buildings to remove snow and ice from the roofs of the buildings and may regulate when and how the removal shall be undertaken;

AND WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, 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, 2001, c.25 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 129 of the Municipal Act, 2001, c.25 provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS Section 131 of the Municipal Act, 2001, c.25 provides that a local 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 the Council of The Corporation of the City of Barrie deems it necessary to repeal By-law 90-355 as amended being a by-law to require and regulate the filling up, cleaning and clearing any grounds, yards and vacant lots;

AND WHEREAS The Corporation of the City of Barrie deems it necessary to prevent public nuisances and the accumulation of waste material and to control dust within the City;

AND WHEREAS by motion 11-G-108, the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the City of Barrie hereby enacts as follows:

1. SHORT TITLE

1.1. **THAT** this by-law may be referred to as the **YARD MAINTENANCE BY-LAW**.

2. DEFINITIONS

For the purpose of this By-law the following words shall have the meaning given herein:

2.1. **"CITY"** shall mean The Corporation of The City of Barrie.

2.2. **"COUNCIL"** shall mean the Council of The Corporation of the City of Barrie.

2.3. **"EXCAVATION"** shall mean an area where soil has been removed thereby leaving a depression or hole within the surrounding land, and includes, without limiting the generality of the foregoing, uncovered wells and cisterns.

2.4. **"GRAFFITI"** means one or more letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings that disfigure or deface a structure or thing, howsoever made or otherwise affixed on the structure or thing but does not include:

a) a sign or public notice authorized by the City of Barrie or by Provincial or Federal Legislation;

- b) in the case of private property, real or personal, any one or more letters, symbols, figures etching, scratches, inscriptions, stains or other markings authorized by the owner of the property upon which the letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings appear, that, in the opinion of the Officer, does not contribute to the unsightly nature of the property.
- 2.5. **“GROUND COVER”** shall mean, but is not limited to, grass, weeds, plant materials, gravel, patios and parking areas that minimize soil/material erosion and/or the accumulation of mud.
- 2.6. **“HOUSEHOLD WASTE”** shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling and, for greater certainty without limiting the generality of the foregoing, may include:
- a) all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food;
- b) yard clippings, tree and garden cuttings, brush or leaves;
- c) paper, cardboard, or clothing; or
- d) cans, glass, or plastic containers, or dishes.
- 2.7. **“INOPERABLE VEHICLE”** shall mean a motor vehicle as defined by the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended, having missing or damaged components which prevents its mechanical function. It shall also include a vehicle that does not display a valid vehicle permit license plate issued under the Highway Traffic Act, R.S.O. 1990, ch. 8, as amended.
- 2.8. **“LAND”** shall mean grounds, yards and vacant and developed lots.
- 2.9. **“LANDSCAPE FEATURE”** shall mean fences, retaining walls, bird baths, floral planters, fountains, statues, gazebos, trellises and other decorative features.
- 2.10. **“MATERIAL CONTRAVENTION”** shall mean a material contravention is considered to be a technical contravention of the by-law that does or may have a meaningful, negative impact on the health, welfare or comfort of the building occupants, or on the environment, or on the reasonable service life of the building and its subsystems.
- 2.11. **“NATURAL BODY OF WATER”** shall mean a creek, stream, bog, marsh, river, pond or lake normally created by the forces of nature, but which may be created or caused to be created by man, and which contains water on a regular basis.
- 2.12. **“NATURAL GARDEN”** shall mean 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 and natural landscape.
- 2.13. **“OFFICER”** shall mean a Property Standards Officer and/or a Municipal Law Enforcement Officer or other law enforcement Officer as appointed by the Council of The Corporation of the City of Barrie or designate, the Barrie Police Board, or a Provincial Offences Officer, or employee who has been assigned the responsibility of administering and enforcing this By-law.
- 2.14. **“OWNER”** shall mean the registered owner, owner in trust, a mortgagee in possession, a person who is managing or receiving the rent of the property and includes a person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s), authorized agent in lawful control of the property, building or occupancy including but not limited to a lessee, tenant, or occupant.
- 2.15. **“PERSON”** means an owner as defined in this by-law or any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neutral gender wherever the context so requires.
- 2.16. **“PROPERTY”** shall mean a building or structure or part of a building or structure and includes the lands and premises on which they are located and all mobile homes, mobile buildings, mobile structures, accessory structures, fences, and erections thereon whether previously or subsequently erected, and includes vacant property.
- 2.17. **“SUPERVISOR OF ENFORCEMENT SERVICES”** shall mean the person employed to supervise the enforcement of municipal law for the City.
- 2.18. **“WASTE MATERIAL”** shall mean any garbage, refuse, debris, litter, household waste and yard waste as determined by an Officer.

3. ENFORCEMENT:

- 3.1. An *officer* is hereby authorized and empowered to enforce the provisions of this By-law. Where there is deemed to be no material contravention of this by-law, by the Supervisor of Enforcement Services, no enforcement action shall be taken.
- 3.2. No person shall obstruct, hinder, or otherwise interfere with a Property Standards Officer, Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

4. GENERAL PROVISIONS

GROUND COVER

- 4.1 Except as provided in Subsections 4.2 and 4.3, every *owner* shall cut and maintain the *ground cover* on their *lands* to a height not greater than 15 centimeters (6 inches).
- 4.2 Every *owner* shall cut and maintain the *ground cover* on their *lands* to a height not greater than 30 centimeters (12 inches) on *land* that is vacant.
- 4.3 Height of *ground cover* need not be maintained in:
- a) areas zoned open space, environmental protection or agricultural under the *City's Zoning By-law*,
 - b) *natural gardens*,
 - c) *land* more than 100 meters in any direction from any *land* that is developed,
 - d) *City* owned parks and open spaces identified in the *City's Naturalization Policy*,
 - e) On property participating in a *City* approved or sanctioned initiative or program intended to promote naturalization, pollination or rejuvenation and which has been registered with and/or displays notice provided by the *City* or authorized organization, and
 - f) Notwithstanding Section 4.3 e), all other provisions of this by-law shall apply during the initiative or program and all provisions of this by-law shall apply upon expiry of the initiative or program.

DEFACEMENT OF PROPERTY

- 4.4 Every *owner* shall remove all objectionable markings, graffiti, stains or other defacement on their *property* to restore the surface and adjacent areas to, as near as possible, their appearance before the markings, graffiti, stains or other defacement occurred.

UNSAFE CONDITIONS

- 4.5 Every *owner* shall keep their property clear of objects or conditions that create or may create a health, fire, accident, or safety hazard.
- 4.6 Every *owner* shall remove snow and ice from the roofs of their building(s) that pose a health or safety hazard to persons or *property* in the normal use of adjacent walkways, driveways, parking areas and entrances to the building(s).

EXCAVATIONS

- 4.7 Except as provided in subsection 4.8., every *owner* shall fill in any *excavation* on their *land* unless it is enclosed completely by a barrier at least 1.2 metres (3'-11") in height and sufficient to prevent a person from falling into the *excavation*.
- 4.8 A temporary barrier is permitted to be used for a maximum of 3 months after which the *excavation* must be filled in or a more permanent fence structure must be installed.
- 4.9 The barrier described in subsections 4.7 and 4.8 is not required by this by-law where the *excavation* is related to active demolition or construction for which a building permit is in effect.
- 4.10 No fill shall be left in an unlevelled or uncovered state (not covered by sod, seed or agricultural crop) on any Property for longer than seven (7) days unless the Property is:
- a) A construction site for which a building permit is in effect;
 - b) Property upon which material is being stored with the approval of the City of Barrie in connection with a public works contract;
 - c) Actively being farmed.
- 4.11 Every *owner* shall grade their *land* to minimize ponding of water unless such area constitutes;

- a) A storm water management pond approved by the *City*;
- b) A *natural body of water*;
- c) Swimming pools enclosed in compliance with the *City's* Pool Enclosure By-law;
or
- d) Excavations identified in subsections 4.8 or 4.9.

WASTE MATERIAL & INOPERABLE VEHICLES

- 4.12 Every *owner* shall maintain their *property* clear of all *waste material*.
- 4.13 Every *owner* shall maintain their *lands* clear of all *inoperable vehicles* except where the zoning by-law permits a related *land* use.
- 4.14 Every *owner* shall store household waste in rigid containers with secure lids when stored outdoors and household waste shall not be stored in the front or side yard of a residential property where the property has a garage, rear yard, or designated storage facility.
- 4.15 Every *owner* shall remove domestic animal waste from their *lands* so as to minimize significant accumulation.

RAISING OF DUST

- 4.16 Except as provided in subsection 4.17, every *owner* shall ensure that their *land* is treated so as to prevent the raising of dust or loose particles and the accumulation of mud.
- 4.17 Land described in subsection 4.16 need not be treated so as to prevent the raising of dust or loose particles and the accumulation of mud in :
 - a) *lands* subject to an active site plan or sub divider's agreement,
 - b) areas zoned open space, environmental protection or agricultural under the *City's* Zoning By-law,
 - c) *City* owned parks and open spaces identified in the *City's* Naturalization Policy.

LANDSCAPE & TREES

- 4.18 Every *owner* shall maintain all hedges, bushes and shrubs on their *lands* from becoming overgrown and unkempt.
- 4.19 Every *owner* shall remove all dead, decayed or damaged trees and branches so as to make the tree safe and sound.
- 4.20 All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not:
 - a) Obstruct the safety of the public;
 - b) Constitute an obstruction of view for vehicular traffic;
 - c) Affect the safety of vehicular or pedestrian traffic;
 - d) Overhang or encroach upon any pavement, sidewalk or travelled portion of any street or highway.
- 4.21 Every *owner* shall maintain all *landscape features* on their *lands* in good repair.
- 4.22 Every *owner* shall remove snow and ice from exterior walkways, steps, *landings* and ramps, and from exterior driveways and parking areas that pose a health or safety hazard to persons on their *lands*.
- 4.23 Notwithstanding sections 4.18 to 4.20, property participating in a *City* approved or sanctioned initiative or program intended to promote naturalization, pollination, or rejuvenation and which has been registered with and/or displays notice provided by the *City* or authorized organization may be exempt.
- 4.24 Notwithstanding Section 4.23, all other provisions of this by-law shall apply during the initiative or program and all provisions of this by-law shall apply upon expiry of the initiative or program.

5.0 NOTICE TO COMPLY – PREMISES NOT MAINTAINED

- 5.1 Except as provided in subsection 5.2, an Officer may enter upon any land or property at any reasonable time to determine if the property is in compliance with the provisions of this by-law and may take photographs and notes of the property's condition.
- 5.2 An *officer* shall not enter an occupied dwelling unit without first obtaining the informed consent of the occupants who must be of legal age to provide that consent.

- 5.3 Where a property is not maintained in accordance with the requirements of this By-law:
- a) the City may serve the owner a written notice directing the owner of the property to bring the property into compliance with the requirements of this By-law; and
 - b) the owner shall repair, remove, or clean up all contraventions identified on the notice within the time indicated.

6.0 NOTICE TO COMPLY – DELIVERY- WHEN DEEMED SERVED

- 6.1 The notice from the *City* may be:
- a) served personally upon the *owner*; or
 - b) mailed by registered mail to the last known address of the *owner* according to the current assessment rolls.
- 6.2 If served by registered mail, the notice under subsection 6.1 shall be deemed to have been served on the third day after mailing.

7.0 FAILURE TO COMPLY – WORK DONE BY CORPORATION

Where an *owner*, having been served with a notice, fails to comply with the notice within the time specified, an *officer* or the *City's* employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the *property* at a reasonable time and carry out any or all of the work described in the notice.

8.0 SERVICE FEES

- 8.1 The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the *City's* Fees By-law and any revisions thereto.
- 8.2 The registered owner of a property shall be responsible for all Service Fees invoiced when an inspection of the property by an Officer confirms that the yard does not comply with this by-law.

9.0 RECOVERY OF COSTS

- 9.1 Where the City, its employees or authorized agents have performed the work required to bring the property into compliance with the by-law, all expenses incurred by the City in doing the work as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll and collected in the same manner as property taxes.

10.0 OFFENCES

- 10.1 Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O 1990, c P.33*, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.
- 10.2 Every person who contravenes any of the provisions of this By-law, or who obstructs or attempts to obstruct an *officer* or an employee or agent of the *City* in carrying out his or her duties under this By-law is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the *Provincial Offences Act, R.S.O., 1990, c.P.33*.
- 10.3 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.
- 10.4 Every person who contravenes the provisions of any section 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 and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.
- 10.5 For the purpose of continuous offences, 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 and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.

- 10.6 For the purpose of multiple offences, 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 and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- 10.7 Notwithstanding Section 10.5, and in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

11. SEVERABILITY

- 11.1 Where a Court competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an Order to the contrary.

12.0 FORCE AND EFFECT

- 12.1 That this By-law shall come into force and effect on the passing thereof.

READ a first and second time this 15th day of August, 2011

READ a third time and finally passed this 15th day of August, 2011

THE CORPORATION OF THE CITY OF BARRIE

“ORIGINAL SIGNED”

MAYOR - JEFF LEHMAN

“ORIGINAL SIGNED”

CITY CLERK - DAWN A. MCALPINE

AMENDMENTS TO YARD MAINTENANCE BY-LAW 2011-107

By-law 2011-119	Replace Section 4	September 4, 2011
By-law 2018-010	Yard Maintenance By-law Review	February 12, 2018 (effective May 1, 2018)
By-law 2023-034	Yard Maintenance By-law Review	April 19, 2023