



Bill No.133

BY- LAW NUMBER 2011-107

**A By-law of The Corporation of The City of Barrie to amend
By-law 2011-107 being a by-law to prescribe standards for
the maintenance of lands and properties in the City of Barrie.**

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 on the 15th day of August, 2011 the Council of The Corporation of the City of Barrie enacted By-law 2011-107 being a by-law to prescribe standards for the maintenance of lands and properties in the City of Barrie;

AND WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend BY-law 2011-107;

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

1. **THAT** By-law 2011-107 be amended by deleting Section 4 General Provisions and replacing it with Section 4 General Provisions attached hereto as Schedule "A" and forming part of this by-law.
2. **THAT** this By-law shall come into force and effect immediately upon passage thereof.

READ a first and second time this 12th day of September, 2011

READ a third time and finally passed this 12th day of September, 2011

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK - DAWN A. MCALPINE

SCHEDULE "A"

4. GENERAL PROVISIONS

- 4.1 Except as provided in Subsections 3.2. and 3.3., 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, and
 - d) *City* owned parks and open spaces identified in the *City's* Naturalization Policy.
- 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.
- 4.5 Every *owner* shall keep their *property* clear of objects or conditions that create or might create a health, fire or accident hazard.
- 4.6 Except as provided in subsections 4.7. and 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*.
- 4.7 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.
- 4.8 The barrier described in subsections 4.6. and 4.7. is not required by this by-law where the *excavation* is related to active demolition or construction.
- 4.9 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 4.6. or 4.8.
- 4.10 Every *owner* shall maintain their *property* clear of all *waste material*.
- 4.11 Every *owner* shall maintain their *lands* clear of all *inoperable vehicles* except where the zoning by-law permits a related *land* use.
- 4.12 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 yard of a residential *property* where the *property* has a garage, side yard or designated storage facility.

- 4.13 Every *owner* shall remove animal waste from their *lands* so as to minimize significant accumulation.
- 4.14 Except as provided in subsection 4.15., 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.
- 4.15 Land described in subsection 4.14. 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 subdivider'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.
- 4.16 Every *owner* shall maintain all hedges, bushes and shrubs on their *lands* from becoming overgrown and unkempt.
- 4.17 Every *owner* shall maintain all *landscape features* on their *lands* in good repair.
- 4.18 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*.
- 4.19 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).