



## LEGISLATIVE AND COURT SERVICES DEPARTMENT MEMORANDUM

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**TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL**

**FROM: T. BANTING, MANAGER OF ENFORCEMENT SERVICES AND W. COOKE, ACTING CITY CLERK / DIRECTOR OF LEGISLATIVE AND COURT SERVICES**

**NOTED: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES**

**M. PROWSE, CHIEF ADMINISTRATIVE OFFICER**

**RE: SUMMARY OF PROPOSED PROPERTY STANDARDS AND YARD MAINTENANCE BY-LAW AMENDMENTS**

**DATE: FEBRUARY 5, 2018**

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The purpose of this memorandum is to respond to a request from members of Council to provide additional detail concerning the proposed amendments for both the Property Standards By-law (2011-138) and the Yard Maintenance By-law (2011-107). The amendments to the by-laws will be presented as Bills 007 and 008 on February 12, 2018, in accordance with motion 17-G-287.

When Staff Report LCS013-17 was reviewed by General Committee and Council, some questions were raised related to various proposed amendments and the overall intent of those proposals. Below staff have addressed those matters.

The overall intent of both the Property Standards and Yard Maintenance By-laws are to ensure that a minimum standard is kept throughout the municipality as it relates to both interior and exterior of properties. This assists with maintaining a safe and attractive City.

Some questions were raised with respect to the use of extension cords, exterior lighting and the enhanced excavation regulations proposed. The intent of the proposed amendments were as follows:

- The prohibition of the permanent use of extension cords relates to the use within the interior of a home, where a home owner has chosen not to upgrade the electrical system within the home causing the tenant to use, in some cases, several extension cords, to meet their electrical needs. This can create both a safety and fire hazard within the home.
- The use of exterior "security" lighting has increased. This has caused some concerns with the ambient lighting shining into the adjacent dwellings. This enhancement will allow the City to regulate the use of exterior lighting so as to prevent it from directing into the actual dwelling of an adjacent home.
- Enhanced restrictions on the Excavation of properties is designed to capture those owners who have chosen to commence extensive work to alter their land for various purposes and have failed to complete the work or have left the site in an unsafe condition. I.e. installation of pools etc. The intent was not to capture those owners who are simply installing standard residential gardens, as these rarely represent a safety concern. As with other aspects of the by-laws, the Officers would use their judgement based on anticipated time for installation, weather conditions etc.

As with any municipal law enforcement, staff would use appropriate judgement when interpreting the provisions.



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A chart has been included as Appendix "A" to this memorandum which outlines the current wording set out in each by-law as well as the corresponding changes to each section. Members will also note several new sections being brought forward which were outlined and discussed in Staff Report LCS013-17.



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**Appendix "A"**

**Property Standards By-law 2011-138 – Change Summary**

Section Number	Title	Current Wording	Proposed Wording
5.7	General Maintenance	No Person shall keep a swimming pool, hot tub, wading pool, garden fountain or artificial pond unless it is <i>maintained</i> in good repair and working condition.	No Person shall keep a swimming pool, hot tub, wading pool, garden fountain or artificial pond unless it is <i>maintained</i> in good repair and working condition. <u>All swimming pools, hot tubs, wading pools and artificial ponds shall be kept free of water that is malodorous or that provides a breeding place for mosquitos, including that which may accumulate on or below the pool cover.</u>
6.4.1	Vacant or Derelict Buildings	The owner or their agent of a vacant building shall board up the building on the direction of the Property Standards Officer, to the satisfaction of the Property Standards Officer by covering any openings through which entry may be obtained with at least 12.7mm (1/2 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls.	<u>If normal locking of and other security measures for the building do not prevent entry,</u> the owner or their agent of a vacant building shall board up the building on the direction of the Property Standards Officer, to the satisfaction of the Property Standards Officer by covering any openings through which entry may be obtained with at least 12.7mm (1/2 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls.
7.2	Sewage and Drainage	No roof drainage, storm water drainage, sump pump discharge or discharge from a swimming pool shall be directed or discharged directly onto a sidewalk, stair or neighbour's property.	No roof drainage, storm water drainage, sump pump discharge or discharge from a swimming pool shall be directed or discharged directly onto a sidewalk, <u>street, boulevard,</u> stair or neighbour's property.
10.1	Fences and Retaining Walls	Fences shall be <i>maintained</i> in good condition and free from accident hazards.	Fences shall be <i>maintained</i> in good condition and free from accident hazards. <u>Fences shall be reasonably plumb, unless specifically designed to be other than vertical.</u>
10.2	Fences and Retaining Walls	Retaining walls shall be maintained in good condition and capable of performing its intended function.	Retaining walls shall be <u>safe, structurally sound and plumb,</u> and capable of performing its intended function.



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13.2 NEW	Pest Prevention		Openings and holes in a building, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests shall be screened to sealed as appropriate.
16.2 NEW	Roofs		All roofs shall be maintained free from loose or unsecured objects or materials and free from excessive or dangerous accumulations of snow, ice or both.
22.1 NEW	Guards and Handrails		Handrails shall be terminated in a manner that will not obstruct pedestrian travel or create a hazard
37.5 NEW	Electrical Services		Extension cords which do not form part of a fixture shall not be permitted on a permanent basis in the interior of a building or dwelling unless such extension cord is designed for such extended use. Extended use extension cords must be equip with a GFI or surge protection device.
38.6 NEW	Light		A barrier or deflector shall be installed to prevent exterior lighting from shining directly into an adjacent dwelling unit.
40.3 NEW	Penalty for Non-compliance		Any person who fails to comply with an Order that is final and binding, is guilty of an offence and upon conviction is liable to a fine pursuant to the Building Code Act, 1992, S.O 1992, c.23 as amended



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Yard Maintenance By-law 2011-107 – Change Summary

Section Number	Title	Current Wording	Proposed Wording
2.3	Definitions	<p>“<b>EXCAVATION</b>” 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</p>	<p>“<b>EXCAVATION</b>” shall mean an <u>extensive</u> area where soil has been removed thereby leaving a depression or hole within the surrounding land <u>that presents an unsafe condition(s)</u>, and includes, without limiting the generality of the foregoing, uncovered wells and cisterns</p>
2.4 NEW	Definitions		<p>“<b>GRAFFITI</b>” 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:</p> <ul style="list-style-type: none"><li>a) a sign or public notice authorized by the City of Barrie or by Provincial or Federal Legislation; OR</li><li>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.</li></ul>
2.10 NEW	Definitions		<p>“<b>Material Contravention</b>” means a technical contravention of the by-law that does not or may not have a meaningful or 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.</p>



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2.13	Definitions	“Officer” shall mean an employee of the City who has been appointed and assigned the responsibility of administering and enforcing this By-law	“Officer shall mean a <u>Property Standards Officer and/or Municipal Law Enforcement Officer</u> of the City who has been assigned the responsibility of administering and enforcing this By-law.
2.16 NEW	Definitions		Supervisor of Enforcement Services – means the person appointed to the position of Supervisor of Enforcement Services and oversees the enforcement of this By-law
3.1	Enforcement	An <i>officer</i> is hereby authorized and empowered to enforce the provisions of this By-law.	An <i>officer</i> is hereby authorized and empowered to enforce the provisions of this By-law. <u>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.</u>
4.6 NEW	Unsafe Conditions		Every <i>owner</i> shall remove snow and ice from the roofs of their building(s) that pose a health or safety hazard to persons or <i>property</i> in the normal use of the adjacent walkways, driveways, parking areas and entrances to the building(s).
4.9	Excavations	The barrier described in section 4.6 and 4.7 is not required by this by-law where the <i>excavation</i> is related to active demolition or construction.	The barrier described in section 4.6 and 4.7 is not required by this by-law where the <i>excavation</i> is related to active demolition or construction <u>for which a building permit is in effect.</u>
4.10 NEW	Excavations and Unleveled Fill		No fill shall be left in an unleveled or uncovered state (not covered by sod, seed or agricultural crop or contained by way of an acceptable covering) on any property for longer than seven (7) days unless the property is: A construction site for which a building permit is in effect; Property upon which material is being stored with the approval of the City in connection with a public works contract; Actively being farmed
4.15	Waste Material & Inoperable vehicles	Every <i>owner</i> shall remove animal waste from their <i>lands</i> so as to minimize significant accumulation.	Every <i>owner</i> shall remove <u>domestic</u> animal waste from their <i>lands</i> so as to minimize significant accumulation.



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4.19 NEW	Landscape & Trees		Every <i>owner</i> shall remove all dead, decayed or damaged trees and branches so as to make the tree safe and sound.
4.20 NEW	Landscape & Trees		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.
5.3 a	Notice to comply – served directly on owner	the <i>owner</i> shall repair, remove or clean up all contraventions identified on the notice with the seven (7) days of the notice being served	the <i>owner</i> shall repair, remove or clean up all contraventions identified on the notice <u>within the time indicated on</u> the notice served