

**BY-LAW NUMBER 75 OF 2009
OF THE CITY OF SARNIA**

“Being a By-Law to Provide for the Maintenance of Land in the City of Sarnia”

WHEREAS Section 127 of the Municipal Act, 2001, as amended authorizes the Councils of local municipalities to pass by-laws for requiring and regulating the clearing and cleaning of land, which by-law or bylaws;

- (a) May 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;
- (b) Regulate when and how matters required under clause (a) shall be done;
- (c) Prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) Define “refuse” for the purpose of this by-law.

AND WHEREAS the Official Plan for The Corporation of the City of Sarnia includes provisions relating to property conditions;

THEREFORE the Council of The Corporation of the City of Sarnia enacts as follows:

1 SHORT TITLE

This by-law may be cited as the “**Lot Maintenance By-Law**”

2 DEFINITIONS

2.1 In this by-law, the following definitions shall apply:

“**Agricultural purposes**” shall mean use of lands for agricultural purposes as defined and in accordance with the City of Sarnia Zoning By-Law,

“**City**” shall mean The Corporation of the City of Sarnia;

“**Cleared**” shall mean the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located, and includes the removal of dead, decayed, or damaged trees or other natural growth;

“**Composting**” shall mean the biological degradation or breakdown of organic material into a dark soil-like material called humus;

“Composting Container” shall mean the holding unit used to store yard, garden and household waste for the purpose of composting not exceeding one square meter and 1.8 meters in height in size;

“Domestic waste” shall mean any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse except any material placed in a composting container;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table 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 for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) derelict motor vehicle, inoperative motor vehicle, vehicle motor parts and accessories, vehicle tires mounted or un-mounted on rims, mechanical equipment;
- (i) rubble, inert fill, fencing materials.

“Enforcement Officer” means the Chief Building Official or designate, and any other person appointed as By-Law Enforcement Officer and/or acting under the instructions of the Council of the City of Sarnia to perform inspections pursuant to this by-law;

“Industrial waste” shall mean any 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 classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) containers of any size, type or composition;
- (c) rubble, inert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which are derived from or are constituted from or consist of,
 - (i) agricultural, animal, vegetable, paper, lumber or wood products; or
 - (ii) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (f) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;

- (h) material resulting from, or as part of, construction or demolition projects;
- (i) derelict motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted or un-mounted on rims, mechanical equipment.

“**Derelict Motor Vehicle**” shall mean:

- (i) Any vehicle as defined by the *Highway Traffic Act* and includes snowmobiles, boats, trailers, recreational and all-terrain vehicles that are either:
 - a. In such a state of disrepair or dismantlement as to be inoperative; or
 - b. Deserted or abandoned.
- (ii) For the purpose of this By-Law, a vehicle shall have been deemed to have been deserted or abandoned if it is:
 - a. without a license plate;
 - b. has a license plate which is missing an annual sticker; or
 - c. has a license plate but has an annual renewal sticker which has been expired for a period of three months or more.
- (iii) Notwithstanding (ii) above, if the Enforcement Officer is satisfied that any vehicle otherwise meeting the description in this section has not been deserted or abandoned, then it shall NOT be deemed deserted or abandoned.

“**Land**” includes yards, vacant lots or any part of a lot which is not beneath a building;

“**Naturalized area**” means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of species or other species to emulate a natural area;

“**Owner**” includes an owner, lessee, and occupant of the land;

“**Publicly Owned Land**” means land owned by The Corporation of the City of Sarnia, Corporation of the County of Lambton, the St. Clair Region Conservation Authority, and any Ministry or Department of the Governments of Canada or Ontario;

“**Rubble**” includes broken concrete, bricks, broken asphalt, patio or sidewalk slabs and like materials;

“Refuse” means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include domestic waste and industrial waste;

“Wildflower Meadow” means a specialized habitat managed within a naturalized area, which is dominated by native species of flowers and grasses.

“Woodlot” shall mean an area of trees in excess of 0.2 hectares.

3 Lot Maintenance Standards

3.1 Every person shall keep all lands which he, she or they may own, lease or occupy, cleared.

3.1.1 For the purpose of Paragraph 3.1. “cleared” includes the removal of weeds and/or grass in excess of 15 cm in height.

3.2 Every person shall keep all lands which he, she or they may own, lease or occupy, cleaned of all refuse.

3.3 No person shall fail to enclose an excavation with a temporary barrier at least 122 centimeters (48 inches) in height.

3.4 No person shall fail to drain an accumulation of water exceeding 30 centimeters (12 inches) in depth

3.5 No person shall deposit refuse on privately owned lands without lawful authority.

3.6 No person shall deposit refuse on publicly owned lands without lawful authority.

3.7 Every owner shall keep all surfaces used for vehicular traffic and parking in good repair.

3.8 Every owner shall maintain steps, walks, and other similar areas in a manner so as to afford safe passage.

4 EXEMPTIONS

- 4.1** Sections 3.1 and 3.3 of this by-law does not apply to land on which construction is proceeding under a valid building permit.
- 4.2** Section 3.4 of this by-law does not apply to natural bodies of water.
- 4.3** Section 3.1 of this by-law shall not apply to land which is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing bylaws and regulations.
- 4.4** Sections 3.1, 3.3, and 3.4, of this by-law do not apply to any lands used for agricultural purposes.
- 4.6** Section 3.1.1, of this by-law does not apply to a wildflower meadow or a naturalized area provided that those areas are managed in accordance with the *Weed Control Act*.
- 4.7** Section 3.1 of this by-law does not apply to any lands used as a wood Lot purposes
- 4.8** This by-law does not apply to the placement or collection of waste in accordance with the City of Sarnia's Waste Collection By-law as amended.
- 4.9** This by-law does not apply to publicly owned lands.

5 LIABILITY

- 5.1** Every owner, lessee and occupant of the lands within the territorial limits of the City of Sarnia are jointly and severally liable to ensure compliance of such lands and premises with the standards prescribed by this by-law.

6 RIGHT OF ENTRY

- 6.1** For the purpose of ensuring compliance with the provisions of this by-law an Enforcement Officer may, at all reasonable times, enter upon and inspect any property to determine compliance to this by-law or an order made under the authority of this by-law.

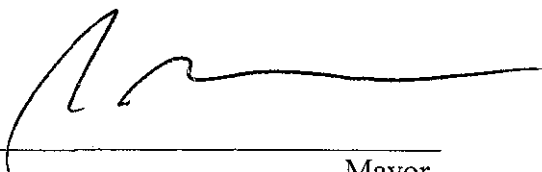
7 ADMINISTRATION AND ENFORCEMENT

- 7.1 If any owner of any lands fails to comply with anything required to be done in accordance with this By-Law, the City of Sarnia in addition to all other remedies available at law, shall:
- (a) Have the right to enter the property and remedy the said lands and/or premises so as to create and/or maintain compliance with those standards set forth in this by-law,
 - (b) Not be liable to compensate such owner or any other person having an interest in the property by reasons of any thing done by or on behalf of the City of Sarnia under provisions of this section, and
 - (c) Have the right to recover from the owner of the property any amount expended by or on behalf of the City of Sarnia under the authority of this section and such amounts may be collected in like manner as municipal taxes.
- 7.2 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33,
- 7.3 It is hereby declared that each and every of the foregoing provisions of the By-Law is severable and that, if any provisions of this By-Law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions hereof shall remain in full force and effect.


8 REPEAL – ENACTMENT

- 8.1 Sections 2.2, 2.3, 2.5, 2.7, 4.1, and 5.1 of the Property Standards By-law, By-law 67 of 2005, as amended are hereby repealed.
- 8.2 This by-law comes into force on the day it is finally passed.

FINALLY PASSED this 11th day of May, 2009.



Mayor



City Solicitor/Clerk

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READINGS:

FIRST: May 11, 2009

SECOND: May 11, 2009

THIRD: May 11, 2009

**THE CORPORATION OF THE
CITY OF SARNIA
City Hall
Sarnia, Ontario
N7T 7N2**