

## CITY OF NIAGARA FALLS

### **By-law No. 2007 - 41**

A by-law to regulate the maintaining of land in a clean and clear condition.

**WHEREAS** the Council of the Corporation of the City of Niagara Falls has determined that it is in the public interest to utilize any and all of the powers vested in it to provide for the maintenance of land in a clean and clear condition and is of the opinion that vehicles, trailers recreational vehicles and other conveyances parked or stored upon lands that are not a surfaced parking area as defined in this by-law constitute a nuisance;

**AND WHEREAS** the Council is further of the view that land having grass growing upon it that is greater than 20cm in length constitutes a nuisance.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. In this by-law,
  - (a) “City” means The Corporation of the City of Niagara Falls;
  - (b) “inoperative motor vehicle” means a vehicle lacking an affixed current motor vehicle licence plate or having missing parts, including tires, damaged or missing glass, or deteriorated or removed metal adjunction, which prevent its lawful mechanical function upon a highway, which vehicle is not located on lands of a licensed motor vehicle dealership or licensed motor vehicle repair garage;
  - (c) “inspector” means a Municipal Law Enforcement Officer or a Property Standards Officer for the City;
  - (d) “land” includes grounds, yards and vacant lots;
  - (e) “Manager” means the Manager of By-law Services or the Chief Building Official;
  - (f) “private drain” means a drain or sewer or part thereof situate on private property and includes ditches, swales, watercourses, culverts, and other appurtenances such as manholes and catch basins;
  - (g) “refuse” means any article, thing, matter that appears to be discarded or unusable material or is stored in such a manner as to appear to be discarded or unusable material; and for greater certainty, but not so as to restrict the generality of the foregoing, refuse includes the following classes of material:
    - (i) An accumulation of waste, debris, garbage, refuse, litter, remains, deposits, rubbish, recyclable waste, lumber or trash;

- (ii) Excessive accumulation of grass clippings, leaves, brush, tree and garden cuttings;
  - (iii) Refrigerators, freezers, stoves or ovens, microwave ovens, dishwashers or other appliances, any attached hinges or latching, locking or other closing mechanism or devices thereon;
  - (iv) Furnaces, furnace parts, plumbing, pipes, fittings to pipes, water or fuel tanks, cables, wire, or wire fencing;
  - (v) Inoperative motor vehicles, boats, ships, trailers, including any parts or accessories thereof except where all such vehicles, boats, ships, and trailers are within an enclosed building;
  - (vi) Paper, newspaper, cartons, cardboard, plastic containers, or containers of any size or matter;
  - (vii) Furniture, televisions, stereos, speakers, cans, glass, dishes;
  - (viii) Crockery;
  - (ix) Sewage;
  - (x) Clothing;
  - (xi) All kitchen and table waste of animal or vegetable origin, resulting from the preparation or consumption of food;
  - (xii) Mechanical equipment, mechanical parts, accessories or adjuncts to the mechanical equipment;
  - (xiii) Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
  - (xiv) Containers of any size, type or composition;
  - (xv) Material resulting from, or as part of, construction or demolition buildings or other projects;
  - (xvi) Rubble, inert fill, broken concrete, broken asphalt, slabs, bricks, interlocking bricks, unused building materials, lumber;
  - (xvii) Bones, feather, hides;
  - (xviii) Any form of machinery that is stored in a manner that does not protect that machinery from the effects of the weather;
  - (xix) Waste material;
- (h) “Region” means The Regional Municipality of Niagara;
- (i) “sewage” includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic waste or industrial waste or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off;
- (j) “surfaced parking area” means an area of land covered in a material suitable for the parking or storage of vehicles, trailers, recreational vehicles and other conveyances such as gravel, concrete, asphalt, brick or paving stones;
- (k) “waste material” means material or effluent that:

- (i) appears to have been cast aside or discarded or abandoned; or
  - (ii) appears to be worthless or useless or of no practical value, irrespective of any value for salvage to the owner; or
  - (iii) appears to be used up, in whole or in part, or expended or worn out in whole or in part; or
  - (iv) agricultural, animal, vegetable, paper, lumber, or wood products; or
  - (v) mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed.
2. (1) Every owner, lessee or occupant of land shall keep the private drain on the land in an operative state of repair.
- (2) Every owner, lessee or occupant of land shall alter or relay the private drain as may be required by the Manager.
3. No person shall throw, place or deposit refuse on any private land or publicly owned land.
4. Every owner, lessee or occupant shall provide for the sanitary disposal of sewage and drainage from his or her land, buildings, or structures.
5. (1) Every owner, lessee or occupant of land shall keep the land free and clear of refuse.
- (2) Every owner, lessee or occupant shall cover over any refuse in such a manner as may be prescribed by the Manager in writing.
6. No person shall use any land or structure in the City for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal, unless authorized by law to do so.
7. No person may park or store any vehicle, trailer, recreational vehicle or other conveyance on land that is not a surfaced parking area.
8. Every owner, lessee or occupant of land shall ensure that the grass on that land is less than 20 cm in length.
9. (1) The Manager or an inspector may serve an Order upon the owner, tenant or occupant of land, requiring that owner, tenant or occupant of land to:
- (a) repair his private drain;
  - (b) alter or relay his private drain;
  - (c) provide for the sanitary disposal of sewage and drainage from his land or structure;
  - (d) clean, clear or remove all refuse from the land;
  - (e) cease using the land or structure for the dumping or disposing of refuse;

- (f) cover over, screen, shield or enclose refuse of any kind in the manner prescribed by the Manager;
  - (g) remove any vehicle, trailer, recreational vehicle, or other conveyance that is parked or stored on land that is not a surfaced parking area;
  - (h) to cut the grass on his land to a length of 20cm or less.
- (2) The Order may be served by:
- (a) prepaid registered mail to the address listed for the owner of the land in the most recent assessment roll or any other address of the owner that has been provided to the City by the owner, tenant or occupant;
  - (b) prepaid registered mail to the tenant or occupant at any address used by the tenant or occupant;
  - (c) posting the Order on the land.
- (3) The Order shall specify:
- (a) the condition or matter that the City requires the owner, tenant or occupant to rectify;
  - (b) the work required to rectify the condition or matter that the City requires the owner, tenant or occupant to rectify;
  - (c) the time by which the owner, tenant or occupant is required to rectify the condition or matter that the City requires the owner to rectify.
- (4) Every owner, lessee or occupant shall comply with the Order of the Manager or inspector.
10. (1) The Manager, an inspector, or any person assisting them with the inspection, may enter land to perform an inspection to determine whether or not:
- (a) the land or structure is used for dumping or disposing of garbage, refuse, domestic waste of any kind, or industrial waste of any kind;
  - (b) the land or structure is used for the storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
  - (c) the owner, lessee or occupant has complied with any Order served by the Manager or an inspector;
  - (d) the grass on the land is no more than 20 cm long.
- (2) Every owner, lessee or occupant shall permit the Manager, an inspector, or any person to assist them with the inspection to inspect the land or structure on the land for the purpose of subsection 10(1).
11. (1) Where the owner, lessee or occupant is in default of doing any matter or thing required to be done under this by-law, the Manager or any person assisting him or

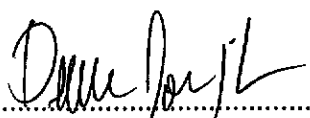
her may enter upon land to:

- (a) drain, clean or clear up land;
    - (b) repair the private drain or alter or relay the private drain;
    - (c) remove refuse;
    - (d) provide for the sanitary disposal of sewage and drainage;
    - (e) cover over, screen, shield or enclose refuse;
    - (f) remove any vehicle, trailer, recreational vehicle, or other conveyance that is parked or stored on land that is not a surfaced parking area.
  - (2) Where any chattels or objects are removed by the City in the course of an entry to rectify a default pursuant to subsection 11(1), the chattels or objects may be immediately disposed of by the Manager as he or she sees fit.
  - (3) The City may recover the expense of carrying out a work undertaken pursuant to subsection 11(1) by action, or in like manner as municipal taxes.
  - (4) The expenses referred to in subsection 11(3) may include an administration fee in the amount specified by Council by by-law from time to time.
12. This by-law does not apply to:
- (a) lands on which construction is actively proceeding in accordance with a permit issued pursuant to the *Building Code Act, 1992*, as amended;
  - (b) things and matters being actively used by a commercial or industrial operation located upon lands whereupon that commercial or industrial operation is permitted by the zoning by-laws and regulations of the City;
  - (c) Any land being used by the City or the Regional Municipality of Niagara as a waste disposal site; or
  - (d) Any land being used by an operation or business licensed by the Province of Ontario to disposed of or otherwise process waste.
13. This by-law applies exclusively to those lands within the urban service boundary of the City as defined by Council from time to time in the City's Official Plan.
14. (1) Every owner, lessee, occupant or other person who contravenes any provision of this by-law, is guilty of an offence and upon conviction is liable to a fine of not more than \$10,000.
- (2) Every owner, lessee, or occupant who does not comply with the terms of an Order issued pursuant to this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$10,000.

- (3) For greater certainty, and without limiting the generality of subsection 14(1) above, it is an offence for an owner, tenant or occupant to fail to keep land in clear and clean condition as required by the terms of this by-law.

15. That By-law No. 96-32 and 2000-249 are hereby repealed.

Passed this fifth day of March, 2007.

  
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DEAN IORFIDA, CITY CLERK

  
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R. T. (TED) SALCI, MAYOR

First Reading:        March 5, 2007  
Second Reading:     March 5, 2007  
Third Reading:        March 5, 2007