

## CITY OF NIAGARA FALLS

### **By-law No. 2024-125**

A by-law to amend By-law No. 2007-41, being a by-law to regulate the maintaining of land in a clean and clear condition within the City of Niagara Falls to introduce new regulatory provisions.

**WHEREAS** pursuant to Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("Municipal Act"), The Corporation of the City of Niagara Falls has the capacity, rights, powers and privileges of a natural purpose for the purposes of exercising its authority;

**AND WHEREAS** pursuant to Section 128 of the Municipal Act, The Corporation of the City of Niagara Falls may prohibit and regulate with respect to public nuisances, including matters which in the opinion of its Council are or could become or cause public nuisance;

**AND WHEREAS** By-law No. 2007-41, was passed by the Council of The Corporation of the City of Niagara Falls on March 5, 2007, to regulate the maintaining of land in a clean and clear condition within the City of Niagara Falls;

**AND WHEREAS** on July 16, 2024, By-law No. 2024-069 was passed, amending By-law No. 2007-41 to include all forms of grass and noxious and local weeds;

**AND WHEREAS** on December 10, 2024, the Council of The Corporation of the City of Niagara Falls approved the recommendations set out in Council Report MW-2024-45 to further amend By-law No. 2007-41, to include additional provisions regarding the maintaining of boulevards within the City of Niagara Falls;

**AND WHEREAS** it is deemed desirable to further amend By-law No. 2007-41 accordingly.

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

1. That By-law No. 2007-41, as amended, be and the same is hereby further amended by adding to Section 1 the following:

"abutting boulevard" means any portion of a boulevard that is abutting or contiguous to land;

"boulevard" means the portion of the public highway between the travelled road and the street line which is not intended for vehicular travel by the general public, and includes any landscaped areas and those areas separated from land by any barrier, including by sidewalk and fences;

"street line" means the boundary dividing the public highway from land;

2. That By-law No. 2007-41, as amended, be and the same is hereby further amended by deleting Section 8 and replacing it with the following:

- 8. (1) Every owner, lessee or occupant of land shall cut and remove all grasses and weeds found on the land exceeding 20 cm in height.
- 8. (2) Every owner, lessee or occupant of land shall cut and remove from the abutting boulevard all grasses and weeds exceeding 20 cm in height.
  - (a) The owner of land may request an exemption from the requirements of Section 8.2 herein, and an exemption may be granted where the General Manager of Municipal Works / City Engineer, or his or her designate, in his or her sole discretion, deems that the owner of land cannot maintain the abutting boulevard due to steep grades, walls or other constraints or conditions.
- 3. That By-law No. 2007-41, as amended, be and the same is hereby further amended by deleting Section 9.(1)(h) and replacing it with the following:
  - 9. (1)(h) to cut the grass and weeds on his land, boulevard, and abutting boulevard to a length of 20 cm or less within seventy-two hours.
- 4. All other applicable provisions and regulations set out in By-law No. 2007-41, as amended, shall remain the same and continue to apply, with all necessary changes in detail.

**Read a First, Second and Third time; passed, signed, and sealed in open Council this 10<sup>th</sup> day of December 2024.**

  
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 WILLIAM G. MATSON, CITY CLERK

  
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 JAMES M. DIODATI, MAYOR

