

## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

### BY-LAW 2012-10

**YARD MAINTENANCE BY-LAW:** (B.1.4.) Being a yard maintenance by-law for the Corporation of the City of Sault Ste. Marie.

**WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 9, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 128, provides that a local 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** offences and penalty provisions for contraventions are as set out in section 425, 429 and 431 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, s. 445, provides that if a local municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

**AND WHEREAS** Municipal Council of The Corporation of the City of Sault Ste. Marie is deems yard maintenance regulations necessary to prevent nuisances and the accumulation of waste, debris, and refuse.

**[enacted by By-law 2023-109]**

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, **ENACTS** as follows:

#### 1. Definitions

In this by-law:

"Chief Building Official" means the Chief Building Official (CBO) or any of his or her designates

"City" means the Corporation of the City of Sault Ste. Marie

"debris" includes refuse, waste, discarded materials or garbage of any kind whatsoever and includes, whether of value or not:

- a) accumulations of litter, remains, garbage, rubble, waste, construction material,
- b) weighty or bulky items such as appliances, furnaces, furnace parts, pipes, pipe fittings, water or fuel tanks placed in a condition or location where they cannot or are not being used for their intended purposes,
- c) paper, boxes, cartons,
- d) dilapidated or abandoned furniture,
- e) crockery, glass, cans, containers,
- f) garden refuse and trimmings,
- g) post-construction and -demolition project materials,

- h) domestic and industrial waste,
- i) earth or rock fill,
- j) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes, or
- k) clothing or other household linens lying in an unprotected condition.

“inoperative vehicles” means licensed or unlicensed motor vehicles, trailers, boats, snowmobiles having missing, damaged, deteriorated or removed parts including, but not limited to wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

“yard” means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.

## 2. Repeal By-law 76-185

By-law 76-185 is hereby repealed.

3. Every yard, including vacant lots shall be kept clean and free from:
  - a) grass in excess of 20cm
  - b) heavy undergrowth and excessive growth of weeds
  - c) dead, decaying or damaged trees or other natural growth, or branches or limbs that create an unsafe condition
  - d) debris that constitutes an unsafe condition
  - e) broken glass from any source including glass from windows, doors and vehicles
  - f) holes, pits, excavations or trenches constituting an unsafe condition
  - g) inoperative, wrecked or dismantled vehicles or other machinery or any part thereof, except in an establishment licensed or authorized to conduct and operate such a business
  - h) dilapidated, collapsed or abandoned partially constructed structures
  - i) dilapidated, collapsed or abandoned partially constructed fences
  - j) abandoned or discarded appliance such as refrigerators, stoves and freezers
  - k) post-construction or -demolition material resulting from, or as part of, construction or demolition projects
4. Where a yard is in any of the aforementioned conditions, the City shall notify the owner of the property in writing of the breach of a condition of this by-law.
  - a) The owner or occupant shall have minimum of seven days to bring his or her yard into compliance with the provisions of this by-law.
    - i. The owner or occupant may request from the CBO an extension of time to achieve compliance
    - ii. The CBO may extend compliance for a reasonable time
    - iii. The reasonable time for compliance shall be determined by the Chief Building Officer
  - b) The owner or occupant shall adhere to the above written notice of breach of this by-law by the Chief Building Official within the time prescribed in the order. **[enacted by By-law 2023-109]**
5. After a reasonable time and in accordance with s. 436(1) and (2) of the Municipal Act, the City may enter onto the property for the purpose of determining if compliance has been achieved.
6. If, after an inspection under s.4 and after such a reasonable time as set out in s.4(a) has passed, the CBO determined that the property or any portion thereof remains in a non-compliant condition, the City may enter the premise and perform the work necessary or authorize the entry and performance of the work. The work shall done at the expense of the owner of the property and the cost of such work and any

associated administrative fees shall be then due and payable to the City that shall recover the expense in the same manner as municipal taxes.

7. Without limiting s.5, the City may, in conjunction with bringing the yard into compliance with this by-law, proceed with prosecution of the owner for breach of the terms of this by-law.
8. Every person who contravenes any provision of this by-law is guilty of an offence and liable to a fine as provided for in the s.61 of the Provincial Offences Act R.S.O. 1990 c.P.33.

9. **Effective Date**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 9th day of January, 2012.

“Debbie Amaraso”

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MAYOR – DEBBIE AMAROSO

“Malcolm White”

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CITY CLERK – MALCOLM WHITE