

BY-LAW NO. 189-13

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to provide for the maintenance of land in the City of Cambridge; and repeal By-law 160-13.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“the Act”) authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the Act authorizes a municipality to pass by-laws requiring the cleaning and clearing of land;

AND WHEREAS the Act authorizes a municipality to prohibit and regulate the storage of used motor vehicles;

AND WHEREAS the Act authorizes a municipality to require an owner or occupant of land to clean the land and clear it of refuse and debris;

AND WHEREAS the Act authorizes a municipality to define “refuse”;

AND WHEREAS the Act authorizes a municipality to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS the Act authorizes a municipality to regulate deep waters or other dangerous places for the purposes of public safety;

AND WHEREAS the Act authorizes a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS the Act provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

AND WHEREAS the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS the Act authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality is guilty of an offence;

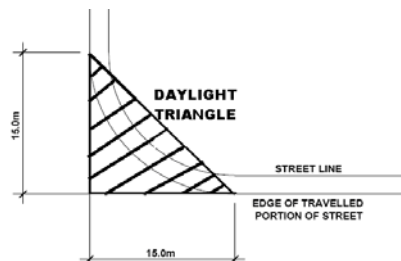
AND WHEREAS the Council of the Corporation of the City of Cambridge deems it desirable to regulate the maintenance of land in order to enhance the quality, health and safety of communities;

NOW THEREFORE the Council of the Corporation of the City of Cambridge enacts as follows:

1. DEFINITIONS

1.1 In this by-law:

- (a) **“City”** means The Corporation of the City of Cambridge;
- (b) **“Composting”** means the natural decomposition of organic materials in a container, pile or digester;
- (c) **“Daylight Triangle”** means that portion of a corner lot within the triangular space formed by the point on the edge of the travelled portion of two streets street lines and a straight line drawn from a point in one street line to a point in the other street line, each point being 15 meters (49 feet) measured along each street line from the point of intersection of the street lines (see below);



- (d) **“Excavation”** means a hole in the ground at least 60 centimeters (23.6 inches) in depth as a result of the removal of material.

- (e) **“Highway”** means a common and public highway, common and public walkway, street, road, avenue, parkway, square, place, bridge, viaduct, trestle, or any other way open to public use, and includes the area between the lateral property lines thereof;
- (f) **“Inoperative Motor Vehicle”** means a motor vehicle that is: in disrepair; is missing body work, components or parts, including tires; contains damaged components, parts, bodywork, or glass; has deteriorated or missing adjuncts; is unlicensed; or one which, if operated on a public highway, would otherwise fail to meet the requirements of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended.
- (g) **“Motor Vehicle”** means a motor vehicle as defined in the *Highway Traffic Act*, as amended.
- (h) **“Municipal Law Enforcement Officer”** means a person appointed by Council to administer and enforce By-Laws for the City of Cambridge;
- (i) **“Naturalized Area”** means an area deliberately implemented to produce ground cover, including wild flowers, shrubs, annuals, perennials, grasses, or a combination thereof, that is monitored and maintained by a person;
- (j) **“Owner”** means the lawful owner of property, or a lessee, tenant, mortgagee in possession of property or occupant of property;
- (k) **“Person”** includes an individual, association, firm, corporation (with the exception of the Corporation of the City of Cambridge), partnership, sole proprietorship, trust, organization, trustee or agent;
- (l) **“Region”** means the Regional Municipality of Waterloo;
- (m) **“Sidewalk”** means that portion of the highway that is intended for the use of pedestrians and which surface is finished with concrete or asphalt;
- (n) **“Turf Grass”** means a perennial strand of plant that can form turf and withstand mowing, traffic and/or wear;

- (o) **“Unlicensed Motor Vehicle”** means a vehicle that fails to display a currently validated permit or number plates in accordance with the *Highway Traffic Act*, as amended;
- (p) **“Vertical Clearance”** means an unobstructed vertical passage space required along a highway or a sidewalk within a highway;
- (q) **“Refuse”** means any garbage, salvage, debris, litter, broken or discarded materials, and includes, but is not limited to:
 - (i) Appliances or parts of appliances;
 - (ii) Human or animal feces;
 - (iii) Shopping carts;
 - (iv) Inoperative motor vehicles;
 - (v) Automotive parts, vehicle parts or accessories, mechanical equipment, mechanical parts, unmounted tires, and tires mounted on rims;
 - (vi) Furnaces, furnace parts, pipes, fittings to pipes, and water or fuel tanks that are not in use;
 - (vii) Kitchen or table waste of animal or vegetable origin;
 - (viii) Yard waste;
 - (ix) Broken concrete, broken asphalt, patio or sidewalk slabs, bricks, interlocking bricks, unused building materials, and pallets;
 - (x) Indoor furniture; or
 - (xi) Wrecked, dismantled, abandoned or inoperable machinery, or parts thereof.
- (r) **“Yard Waste”** means grass clippings, tree and garden cuttings, brush or leaves.

2. GENERAL STANDARDS

2.1 Every owner of land shall maintain his or her exterior yard free and clear of any refuse.

2.2 Section 2.1 does not apply to:

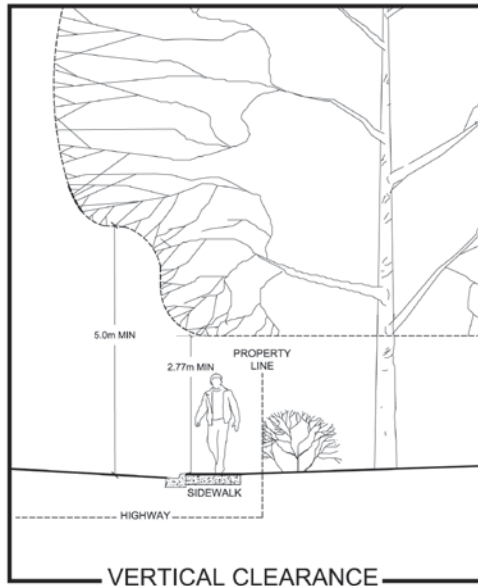
- (a) Land or structures operated by the City or Region for the purpose of dumping, disposing, or storage of refuse;
- (b) Land or structures designated or zoned by the City or Region for the purpose of dumping, disposing, or storage of refuse;
- (c) Refuse placed out for collection in accordance with the Regional Municipality of Waterloo Waste Collection By-Law 02-011, as amended, or any successor thereof;
- (d) Refuse stored in accordance with section 7 of this By-Law; or
- (e) Refuse stored in accordance with section 8 of this By-Law.

3. VEGETATION

3.1 No owner shall allow any turf grass or weeds on his or her land to exceed 20 centimeters (8 inches) in height.

3.2 Section 3.1 does not apply to naturalized areas.

- 3.3 Every owner shall keep all hedges, trees, foliage, naturalized areas, or other vegetation located adjacent to a highway or a sidewalk on a highway cut and trimmed so as to provide a vertical clearance of 5.0 meters (197 inches) from a highway, and, where that highway contains a sidewalk, a vertical clearance of 2.77 meters (109 inches) from the sidewalk.



- 3.4 If a hedge, tree, naturalized area, or other vegetation is located within the daylight triangle, no owner shall allow such hedge, tree, naturalized area, or other vegetation to exceed a height of 0.75 meters (30 inches).
- 3.5 If a wall or structure is located within the daylight triangle, no owner shall allow such wall or structure to exceed a height of 0.75 meters (30 inches) measured from grade.

4. DUMPING

- 4.1 No person shall throw, place, dump or deposit refuse on private property or property owned by the City or Region or any local board thereof, without the written authority of the owner.
- 4.2 Section 4.1 does not apply to:
- (a) Land or structures operated by the City or Region for the purpose of dumping or disposing of refuse;
 - (b) Land or structures designated or zoned by the City or Region for the purpose of dumping or disposing of refuse; or

- (c) Refuse placed out for collection in accordance with the Regional Municipality of Waterloo Waste Collection By-Law 02-011, as amended, or any successor thereof.

5. ACCUMULATION OF WATER AND LIQUIDS

- 5.1 No owner of land shall permit standing water of a depth of greater than 30 centimeters (12 inches) at any point to accumulate on his or her land, unless such accumulation is entirely enclosed by a barrier or is a storm water management pond approved by the City.
- 5.2 For the purposes of section 5.1, a barrier must be at least 122 centimeters (48 inches) in height and sufficient to reasonably prevent a person from falling into the accumulation.
- 5.3 Sections 5.1 and 5.2 do not apply to swimming pools or swimming pool fencing that is otherwise regulated by the City of Cambridge Fence By-Law No. 92-05, as amended, or any successor thereof, or the City of Cambridge Zoning By-Law No. 150-85, as amended, or any successor thereof.
- 5.4 Section 5.1 does not apply to:
 - a) Work which is actively proceeding under a current and valid grading permit;
 - b) Work which is actively proceeding under a valid building permit;
 - c) Work which is actively proceeding under an approved site plan; or
 - d) Permanent natural bodies of water.

6. EXCAVATIONS

- 6.1 Every person shall completely fill an excavation on his or her land unless it is enclosed completely by a barrier.
- 6.2 For the purposes of section 6.1, a barrier must be at least 122 centimeters (48 inches) in height and sufficient to reasonably prevent a person from falling into the excavation.
- 6.3 Section 6.1 does not apply to:

- a) Work which is actively proceeding under a current and valid grading permit;
- b) Work which is actively proceeding under an approved site plan; or
- c) A site that is within a registered plan of subdivision, which subdivision is being developed for the first time.

7. GARBAGE CONTAINERS

7.1 Notwithstanding section 7.2, nothing in this by-law prohibits an owner from storing collectible waste as defined by and in accordance with the Regional Municipality of Waterloo Waste Collection By-Law 02-011, as amended, or any successor thereof.

7.2 When storing collectible waste on a property pending regular collection, every owner shall store such waste in a container that:

- (a) Is maintained in good repair;
- (b) Is made of watertight construction;
- (c) Is maintained in a clean and sanitary condition;
- (d) Is sealed with a tight cover at all times, unless the container is being filled or emptied;
- (e) If the container is located within a structure or accessory building for the purposes of screening, such structure or accessory building shall be maintained in good repair; and
- (f) Is placed in accordance with the City of Cambridge Zoning By-Law No. 150-85, as amended, or any successor thereof.

8. COMPOSTING

8.1 No owner of land shall compost on the land or permit composting to take place on the land unless such composting complies with the following requirements:

- (a) Composting shall take place only in a container, pile or digester;
- (b) Only yard waste is permitted to be placed in a pile for composting;

- (c) No human feces or other animal feces shall be placed in a compost container, pile or digester;
- (d) Bones, meat, fish, dairy or fat products shall not be added to a compost container but may be placed in a digester;
- (e) Compost containers, piles or digesters are only permitted on land on which a dwelling unit is located;
- (f) Composting shall take place behind the front and exterior side building line of the land;
- (g) Compost containers, piles or digesters shall be located no closer than 1.5 meters (59 inches) from any property line;
- (h) No compost container, pile or digester used for composting on his or her land shall exceed 2 cubic meters in size;
- (i) Compost containers, piles or digesters shall be located no closer than 4 meters (157 inches) from any dwelling unit, deck, patio or outdoor living area associated with an adjacent property; and
- (j) Every compost container or digester shall be kept covered tightly at all times except when being emptied or filled;
- (k) Organic materials placed in a compost container shall be covered by yard waste, soil or compost;
- (l) Composting shall not emit offensive odors; and
- (m) Any compost container, pile or digester shall be maintained so as not to attract insects, rodents, vermin or animals.

9. PEST CONTROL

9.1 Every owner of land shall maintain his or her land free from any nests of bees, wasps, hornets, or other pests.

9.2 Every owner of land shall maintain his or her land free from any termites, rodents, or vermin.

10. POOLS AND PONDS

10.1 The water in any privately owned swimming pool, wading pool, artificial pond, or accumulation of water permitted under this by-law, shall be kept clean and in a sanitary condition so as to be free from odors and conditions likely to create a breeding environment for insects.

11. GROUND COVER

11.1 All yards shall be provided with suitable ground cover that is adequate enough to prevent instability and erosion of the soil.

11.2 Section 11.1 does not apply to:

- (a) Work which is actively proceeding under a current and valid grading permit; or
- (b) Work which is actively proceeding under an approved site plan.
- (c) Work which is actively proceeding under a valid building permit.

12. EXEMPTIONS

12.1 This By-Law does not apply to:

- (a) Land zoned for agricultural purposes under the City of Cambridge Zoning By-Law 150-85, as amended, or any successor legislation; or
- (b) Land where work is actively proceeding under a current and valid building permit.

13. ADMINISTRATION AND ENFORCEMENT

13.1 A Municipal Law Enforcement Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this by-law, or a direction or notice made under this by-law, is being complied with.

13.2 As part of an inspection, a Municipal Law Enforcement Officer may:

- (a) Require the production for inspection of documents or things relevant to the inspection;

- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information from any person concerning a matter related to the inspection; and
 - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 13.3 Every owner of land, and agent of an owner of land, is jointly and severally liable to ensure that the land complies with the standards prescribed by this By-Law.

14. NOTICES AND REMEDIAL ACTION

- 14.1 If a person is found to have contravened any of the provisions of this by-law, the City may issue a notice to the person to remedy the contravention.
- 14.2 A notice under section 14.1 shall set out the reasonable particulars of the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the notice.
- 14.3 Every person to whom a notice is issued under this by-law shall comply with the notice.
- 14.4 Where any act or thing required to be done in accordance with this by-law is not done, the City may cause the matter or thing to be done and recover the costs of so doing by adding the costs to the tax roll of the property and collecting them in the same manner and with the same priority as municipal taxes.

15. PENALTY PROVISIONS

- 15.1 Every person who contravenes any provision of this by-law is upon conviction guilty of an offence and is liable:
- (a) On a first conviction, to a fine of not less than \$250.00 and not more than \$100,000; and

(b) On a second or subsequent conviction, to a fine of not less than \$500.00 and not more than \$100,000.

16. SEVERABILITY

16.1 Should any part of this By-Law be declared by a court to be invalid, the remaining provisions shall remain in full force and effect, and the By-Law shall be read as if the offending section has been struck out.

17. REPEAL OF BY-LAWS

17.1 That By-Law No. 160-13 is hereby repealed.

18. SHORT TITLE

18.1 This by-law may be cited as the Lot Maintenance By-law.

READ A FIRST, SECOND, AND THIRD TIME,

ENACTED AND PASSED, THIS 13TH DAY OF JANUARY, A.D. 2014

MAYOR

CLERK