

THE CORPORATION OF THE CITY OF THUNDER BAY

YARD MAINTENANCE BY-LAW #68-2008 Table of Contents

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THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 068-2008

A By-law authorizing the City of Thunder Bay to require Owners and Occupants of Land to clean and clear the Land, and to provide authority to the General Manager to authorize work to be undertaken by the City on the Land in certain circumstances.

Recitals

1. This By-law is passed under the authority of the *Municipal Act, 2001*.
2. The *Municipal Act, 2001* authorizes municipalities to require the Owners and Occupants of Land to clean and clear the Land, and to clear refuse or debris from the Land.
3. By-law 069-2006 was passed by Council in this regard. Recent reviews of the Property Standards By-law and the Air Tight Containers By-law have resulted in a rationalization of matters dealt with under those two by-laws as opposed to By-law 069-2006, and significant amendments to By-law 069-2006 were proposed.
4. It is considered appropriate to repeal and replace By-law 069-2006 rather than to amend it.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

Article 1.00: Interpretation

1.01 Application

This By-law prescribes requirements for the maintenance of Yards and Vacant Property within Thunder Bay.

This By-law also restricts the use of Land so as not to create Nuisances.

This By-law applies to all Land within Thunder Bay, excluding Land that is owned or occupied by the Corporation, the Province or the Federal Government. It applies to all Land, whether that Land is occupied or not.

1.02 Definitions

Wherever a term set out below appears in the text of this By-law with its initial letters capitalized, the term is intended to have the meaning set out for it in this Section 1.02. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

“By-law” means this By-law, including its recitals, which form integral parts of it, as amended from time to time.

“Committee” means the Property Standards Committee established by the Corporation in its Property Standards By-law.

“Corporation” means The Corporation of the City of Thunder Bay, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario.

“Council” means the elected council for the Corporation.

“Debris” includes refuse, waste, discarded materials or garbage of any kind whatsoever and includes, whether of value or not:

- (a) accumulations of litter, remains, rubbish, trash;
- (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 be used for their intended purposes;
- (c) paper, cartons;
- (d) dilapidated furniture;
- (e) crockery, glass, cans, containers;
- (f) garden refuse and trimmings;
- (g) material from or for construction and demolition projects;
- (h) domestic and industrial waste;
- (i) dead or dying trees, branches, leaves or shrubs;
- (j) inoperative Motor Vehicles;
- (k) motor Vehicle parts;

- (l) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
- (m) earth or rock fill;
- (n) clothing or other household linens lying in an unprotected condition;
- (o) objects or conditions that may create a health, fire or accident hazard; and
- (p) animal feces.

“Fence” includes: a hedge or thick growth of shrubs or trees or any other wall, structure, or screen, that acts as a barrier, and which is other than an essential component to a building.

“Final Notice” means, in circumstances where a hearing was requested under Section 6.03, the Notice as confirmed by the Committee. In circumstances where no hearing was requested, the term refers to the Notice as issued in final form by the Municipal Law Enforcement Officer.

“Front Yard” is defined below within the definition of “Yard”.

“Ground Cover” means material applied to prevent the erosion of the soil. The term includes: materials such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

“Hazard” means Lands, buildings, structures or materials that are in an Unsafe Condition, or that constitute a fire risk.

“Inoperative Motor Vehicle” means a Motor Vehicle which may not be lawfully operated upon a highway pursuant to the *Highway Traffic Act* for any of the following reasons:

- (a) there is not in existence a currently validated permit for the vehicle;
- (b) there are not displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the *Highway Traffic Act* showing the permit number issued for the vehicle;
- (c) there is not affixed to a number plate displayed on the vehicle evidence of the current validation of the permit; or
- (d) the vehicle is damaged to the extent that it cannot be driven, is in a wrecked or dismantled condition or has had its source of motive power removed.

“Land” means property, whether or not it contains buildings or structures, and whether it is vacant or occupied. Reference to “Land” includes all buildings, structures and vegetation on the Land.

“Last Known Address” means the address which appears on the last revised assessment roll of the Corporation or on the Registry.

“Manager” means the Manager of Licensing & Enforcement of the Corporation, or his or her authorized designates.

“Motor Vehicle” means an automobile, motorcycle, motor-assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise indicated in the *Highway Traffic Act*.

“Municipal Law Enforcement Officer” means any person duly appointed to enforce the provisions of this By-law, any members of the Thunder Bay Police Service, and any Fire Prevention Officer and/or Platoon Chief.

“Non-Residential Property” means any Land that is not occupied in any part by a person as his or her residence.

“Notice” means a written notice as contemplated by Section 7.04 of this By-law.

“Occupant” means a person, other than the Owner, who exercises rights in respect of Land, including:

- (a) a person for the time being managing the Land;
- (b) a person for the time being receiving the rent from the Land, whether on his or her own account or as agent or trustee of any other person;
- (c) a tenant or lessee;
- (d) a licensee; or
- (e) an occupier.

“Owner” means the registered owner of the Land.

“Rear Yard” is defined below within the definition of “Yard”.

“Recipient” means the person to whom a Notice is addressed, who is deemed to have received that Notice in accordance with Section 7.05 of this By-law.

“Registry” means the registry of Vacated Property maintained by the Corporation in accordance with its Property Standards By-law.

“Residential Property” means Land that is occupied by at least one person as his or her residence.

“Side Yard” is defined below within the definition of “Yard”.

“Thunder Bay” means the geographic area within the jurisdiction of the Corporation.

“Unsafe Condition” is a descriptive phrase for Land, buildings, structures or material, that are in a condition or state of repair that causes a hazard to life, limb or health of any person authorized or expected to be on or near the Land in question.

“Unsafe Container” means any container having a volume of greater than one-half (0.5 m³) cubic metre or eighteen (18 ft³) cubic feet, which has a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance.

“Vacated Property” means Land containing buildings or structures which are not regularly occupied or regularly used by the Owner or by any authorized Occupant.

“Vacant Property” means Land which has no buildings or structures on it.

“Vermin” means mammals, birds or insects injurious to humans, physical property, game, livestock, or crops. Examples include: skunks, rats, termites, poisonous insects or reptiles, moths, and mice.

“Yard” means the land on the same lot as a building or structure. For the purposes of this By-law, the term also includes: patios, decks, balconies, verandahs, porches, sporting areas (including: riding paddocks, badminton or tennis courts, croquet or soccer pitches, etc.) and similar structures.

A **“Front Yard”** is the Yard that is between the front wall of the main building on the Land and the street line. The Front Yard extends across the entire width of the Land, extending to the boundary out from the building wall.

A **“Rear Yard”** is the Yard that is between the rear wall of the main building on the Land and the rear property line. The Rear Yard extends across the entire width of the Land, extending to the boundary out from the building wall.

A **“Side Yard”** is the Yard that is between any side wall of the main building on the Land and the side property line that wall faces. The Side Yard is contained between the Rear Yard and the Front Yard.

1.03 Legislation

References to legislation in this By-law are printed in *Italic font* and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law, as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Building Code Act, 1992* incorporates reference to the Ontario Building Code, which is Regulation 350/06 passed under that statute.

1.04 Specific Interpretation Rules

- (a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation;
- (b) This By-law is to be read with all changes of gender or number required by the context;
- (c) The words “include”, “includes” and “including” are not to be read as limiting the words or phrases which precede or follow them;
- (d) The term “used” when referring to Land, building or structures is interpreted as including “intended to be used”;
- (e) Reference to a building or structure or Yard or Land includes that building, structure, Yard or Land in whole or in part;
- (f) Dimensions specified in metric units are the official dimensions. Imperial dimensions are provided solely for convenience;
- (g) In this By-law, the word "metre" may be represented by the abbreviation "m", the word "centimetre" may be represented by the abbreviation "cm", the word "feet" may be represented by the abbreviation "ft", and the word "inches" may be represented by the abbreviation "in";
- (h) Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done; and
- (i) Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing.

1.05 Conflict

In the event of any conflict between this By-law and any other by-law of the Corporation, the more restrictive provision shall prevail unless the context requires otherwise.

1.06 Severability

If any section, paragraph, clause, sentence or word in this By-law is declared by any court or tribunal of competent jurisdiction to be void or illegal, that particular portion of the By-law shall be deemed to be severable from the balance of the By-law, and the remainder of the By-law shall continue to be considered valid and binding.

Article 2.00: Yard Debris

2.01 Yards to be Kept Free from Debris

- (a) It is an offence for an Owner of Land to fail to keep the Yards clean and free from Debris.
- (b) It is an offence for an Occupant of Land to fail to keep the Yards clean and free from Debris.

2.02 Inoperative Motor Vehicles and Parts

- (a) It is an offence for an Owner of Land to use the Land for the storage of Inoperative Motor Vehicles or parts of Motor Vehicles, except in compliance with Section 2.03 of this By-law.
- (b) It is an offence for an Occupant of Land to use the Land for the storage of Inoperative Motor Vehicles or parts of Motor Vehicles, except in compliance with Section 2.03 of this By-law.

2.03 Storage of Inoperative Motor Vehicles and Parts Permitted

Section 2.02 does not prohibit the storage of Inoperative Motor Vehicles and/or Motor Vehicle parts where:

- (a) the storage is reasonably necessary for the conduct of a business or trade lawfully conducted on the property;
- (b) the Motor Vehicle and/or parts are stored in an enclosed building; or

- (c) the storage is of a single Motor Vehicle and/or single set of parts which is or are fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair.

2.04 Dumping and Littering

It is an offence for any person, without authorization from the Owner of the Land, to throw, place or deposit Debris on private property or on Land owned by the Corporation, the Province or the Federal government.

2.05 Filling of Land with Earth - Exemption

Section 2.04 does not prohibit the filling or raising of Land with earth or rock or the disposal of Debris on any Land which has been lawfully designated and/or licensed for that purpose by the Corporation or another authority with jurisdiction.

2.06 Debris in Parking/Loading Yards

It is an offence for an Owner of Land to allow the accumulation of Debris in any area of a Yard which is used for vehicular traffic or parking, including any loading area.

2.07 Maintenance of Parking/Loading Yards

It is an offence for an Owner of Land to fail to keep in good repair the surface area and any lighting facilities for those areas of a Yard which are used for vehicular traffic or parking, including any loading areas.

2.08 Vacant Property – Dumping Prohibition

It is an offence for an Owner of Vacant Property to allow Land to be used for the dumping or disposal of Debris.

2.09 Requirement to Clear

It is an offence for an Owner to fail to remove any Debris dumped or disposed of on his or her Land contrary to Sections 2.08 or 2.04.

2.10 Non-Residential Properties - Litter

It is an offence for an Owner of Non-Residential Property to fail to keep that Land free of Debris as may be left by customers, employees, Occupants, or other members of the public.

Article 3.00: Yard Hazards

3.01 Yards to be Kept Free from Hazards

- (a) It is an offence for an Owner of Land to allow an Unsafe Condition to arise and continue within any Yard.
- (b) It is an offence for an Occupant of Land to allow an Unsafe Condition to arise and continue within any Yard.

3.02 Unsafe Containers

- (a) It is an offence for an Owner of Land to keep or store Unsafe Containers in a Yard.
- (b) It is an offence for an Occupant of Land to keep or store Unsafe Containers in a Yard.

3.03 Exemption

Section 3.02 does not prevent the storage of an operational air-tight appliance in a Yard where:

- (a) self-latching or self-locking devices have been removed; and
- (b) unauthorized opening of the appliance is prevented through an external locking device; and
- (c) the appliance is kept locked at all times, except when under the direct supervision of an adult person.

3.04 Litter involving Unsafe Containers

It is an offence for any person to discard an Unsafe Container on any Land, including Land owned by him-or herself, the Corporation, the Province or the Federal Governments.

3.05 Holes, Excavations and Trenches

- (a) Subject to Section 3.06, it is an offence for an Owner of Land to fail to prevent the existence or continuance on the Land of any holes, pits, excavations or trenches which create an Unsafe Condition.

- (b) Subject to Section 3.06, it is an offence for an Occupant of Land to fail to prevent the existence or continuance on the Land of any holes, pits, excavations or trenches which create an Unsafe Condition.

3.06 Exemption from Section 3.05

Despite Section 3.05, the existence or continuance on Land of any holes, pits, excavations or trenches is permitted, provided the Land, or the hole, pit, excavation or trench on the Land, is reasonably secured from public entry.

Article 4.00: Yard Vegetation, Structures, Water & Erosion

4.01 Grass To be Kept Trimmed

- (a) It is an offence for an Owner of Land to fail to keep the grass and/or weeds upon the Land trimmed so as not to exceed twenty (20 cm) centimeters or eight (8 in) inches in height.
- (b) It is an offence for an Occupant of Land to fail to keep the grass and/or weeds upon the Land trimmed so as not to exceed twenty (20 cm) centimeters eight or (8 in) inches in height.

4.02 Exemptions

Section 4.01 does not apply to Lands exceeding one and two-thirds (1.66 ha) hectares or four (4 a) acres in size.

Section 4.01 does not apply to Yards which have been landscaped or maintained with such materials as:

- (a) trees, shrubs, ornamental grasses or flowers;
- (b) decorative stonework, walkways or screening; and
- (c) any other commonly accepted horticultural or landscape architectural elements.

4.03 Undergrowth

It is an offence for an Owner of Land to allow undergrowth to develop on the Land which is inconsistent with the surrounding environment.

4.04 Exemption

Section 4.03 does not apply to Lands exceeding one and two-thirds (1.66 ha) hectares or four (4 a) acres in size.

4.05 Ground Cover Requirement

It is an offence for an Owner of Land to fail to cultivate his or her Yard, or, alternatively, to protect the soil in that Yard from erosion using Ground Cover.

4.06 Caution With Respect to Section 4.05

Owners are advised to review all applicable legislation and the Corporation's other by-laws and policies with respect to Ground Cover before determining which type of Ground Cover to employ in order to comply with Section 4.05. There may be requirements for a certain amount of permeable Ground Cover (as opposed to concrete or other impermeable Ground Cover). Compliance with Section 4.05 of this By-law does not excuse non-compliance with the requirements of other by-laws or policies.

4.07 Erosion

It is an offence for an Owner of Land to allow mounds of earth, sand, gravel or like materials to be exposed to erosion.

4.08 Ponding of Storm Water

- (a) It is an offence for an Owner of Land to fail to keep the Land graded, filled up or otherwise drained so as to prevent recurrent ponding of storm water.
- (b) It is an offence for an Occupant of Land to fail to keep the Land graded, filled up or otherwise drained so as to prevent recurrent ponding of storm water.

4.09 Drainage

It is an offence for an Owner of Land to maintain a system of drainage, whether from the roofs of buildings or the interiors of buildings, which allows water to pond on the Lands or on neighbouring Lands.

4.10 Fences

It is an offence for an Owner or Occupant of Land to maintain a Fence on that Land in a manner which:

- (a) adversely affects the safety of the public;

- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities including water valves; or
- (e) interferes with the use of a highway, public sidewalk or lane.

4.11 Fences – Hazard Prevention

It is an offence for an Owner or Occupant of Land to maintain Fences on the Land in an Unsafe Condition.

4.12 Fences - Defaced

It is an offence for an Owner or Occupant of Land to maintain unauthorized signs, painted slogans, graffiti and similar defacements on any Fence on the Land.

4.13 Exemptions from 4.12

Section 4.12 does not apply to prevent graffiti, signs and painted slogans, which have otherwise been authorized under a by-law or policy of the Corporation.

4.14 Fences – Surface Treatment

It is an offence for an Owner or Occupant of Land to fail to treat the surfaces of Fences on that Land with appropriate weather-resistant materials, including paint or other suitable preservatives. This requirement is waived if the material used in construction of the Fence is inherently resistant to deterioration.

4.15 Vegetation & Landscaping Features

It is an offence for an Owner or Occupant of Land to maintain the vegetation or landscaping features on that Land in a manner which:

- (a) adversely affects the safety of the public;
- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;

- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interferes with the use of a highway, public sidewalk or lane.

Article 5.00: Composting & Storage in the Yard

5.01 Composting Rules

All compost must be stored and kept in a Yard neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood, or to attract Vermin or other animals to the compost.

Compost piles must be no larger than:

- (a) one (1 m³) cubic metre or three and one quarter (3.25 ft³) cubic feet in volume, and
- (b) one point eight (1.8 m) metres or five point nine (5.9 ft) feet in height.

Compost must be enclosed on all sides by concrete blocks or lumber, or be maintained within a two hundred and five (205 l) litre or forty-five (45 gal) gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

5.02 Improper Composting

- (a) It is an offence for an Owner of Land to undertake composting in a manner contrary to that set out in Section 5.01.
- (b) It is an offence for an Occupant of Land to undertake composting in a manner contrary to that set out in Section 5.01.

5.03 Exemption

Sections 5.01 and 5.02 do not apply to composting undertaken on Lands exceeding one and two-thirds (1.66 ha) hectares or four (4 a) acres in size, provided the composting activity takes place more than fifty (50 m) metres or one hundred sixty four (164 ft) feet from a building which is used as a residence.

5.04 Rules for Domestic Storage of Materials on Residential Property

The rules in this Section apply to the domestic storage of materials including: firewood, building materials, garden equipment, etc., in either a Rear Yard or a Side Yard of Residential Property containing at least one building.

The storage of these materials must not exceed twenty-five (25%) percent of the area of the Yard in which it is being stored.

The storage must be undertaken through the use of neat piles.

The storage must be undertaken in a manner which does not create an Unsafe Condition.

5.05 Improper Domestic Storage of Materials

- (a) It is an offence for an Owner of Land to undertake the domestic storage of materials in a Rear Yard or a Side Yard in a manner contrary to that set out in Section 5.04.
- (b) It is an offence for an Occupant of Land to undertake the domestic storage of materials in a Rear Yard or a Side Yard in a manner contrary to that set out in Section 5.04.
- (c) It is an offence for an Owner of Land to undertake the domestic storage of materials in a Front Yard.
- (d) It is an offence for an Occupant of Land to undertake the domestic storage of materials in a Front Yard.

5.06 Exemptions

Sections 5.04 and 5.05 do not apply to Lands exceeding one and two-thirds (1.66 ha) hectares or four (4 a) acres in size.

Sections 5.04 and 5.05 do not apply to prevent the temporary storage of materials or Debris resulting solely from the construction, demolition or alteration of a building, provided that:

- (a) it is removed frequently and in its entirety from the Land; and
- (b) it does not cause an Unsafe Condition.

Article 6.00: Appeal from Notice

6.01 Property Standards Committee

The Corporation's Property Standards Committee has jurisdiction and authority to hear appeals under Section 6.03.

6.02 Manager

The Recipient of a Notice, who disagrees with all or any part of its content, shall contact the Manager within ten (10) business days of his or her deemed receipt of the Notice (in accordance with Section 7.05). The Manager has authority to alter all or any part of the content of a Notice. Where the Notice was issued by a member of the Thunder Bay Police Service, the Manager shall consult with the Police Chief, or his or her designate, prior to altering any provision of the Notice.

6.03 Appeal

Where the Recipient has approached the Manager in accordance with Section 6.02, and continues to disagree with all or any part of the content of a Notice, he or she may appeal to the Property Standards Committee. The appeal to the Property Standards Committee must be submitted to the secretary of the Property Standards Committee within five (5) business days of the date that he or she discussed the matter with the Manager in accordance with Section 6.02.

6.04 Notice of Appeal

Where the secretary of the Property Standards Committee receives notice under Section 6.03 that any person wishes to appeal a Notice, he or she shall schedule a hearing before the Property Standards Committee as soon as reasonably practicable. He or she shall send notice of the appeal hearing to every person who received that Notice, whether or not that particular Recipient objected to its contents.

6.05 Detail in the Notice of Appeal

The notice of appeal required by Section 6.04 shall:

- (a) specify the time, place and purpose of the hearing of the Property Standards Committee at which the Notice will be considered;
- (b) inform the affected Recipient, together with any other person who received a Notice regarding the same Land, that each of them is entitled to attend the hearing and to present evidence and to make submissions

regarding the Notice and that, in his or her absence, the Property Standards Committee may proceed to consider the matter, and the Recipient will not be entitled to any further notice of the proceeding; and

- (c) be given at least fourteen (14) days prior to the date of the Property Standards Committee hearing.

6.06 Powers of Committee

At the hearing, the Property Standards Committee may amend or revoke all or any part of the Notice, or may add conditions to a Notice.

6.07 Decision of Committee

A decision of the Property Standards Committee with respect to any Notice is final and binding, and it takes effect upon the rendering of the decision by the Property Standards Committee.

Article 7.00: Enforcement & Clean-Up

7.01 Enforcement

This By-law may be enforced by any Municipal Law Enforcement Officer.

7.02 Entry

The Manager or any Municipal Law Enforcement Officer may enter upon any Land (but not within any building used as a residence) to ascertain whether the provisions of this By-law are being complied with and to enforce and carry into effect the provisions of this By-law.

7.03 Ultimate Responsibility of Owner

The Owner of Land is ultimately responsible for the condition of the Land, whether or not the Owner is also the Occupant.

7.04 Notice

- (a) Where a Municipal Law Enforcement Officer discovers Land in a condition which violates any of the provisions of this By-law, he or she shall send written Notice, in a manner set out in this Section. The Notice must specify the particulars of non-conformity with this By-law, and must require that the Owner and/or the Occupant make the Land conform to the requirements of this By-law within a specified time period.
- (b) Notice may be sent by registered mail to the Last Known Address of the Owner of the Land and, where the Owner is different from the Occupant, also to the Last Known Address of the Occupant of the Land.

- (c) Notice may be delivered by hand directly to the Recipient at the Last Known Address of the Recipient or at any other place.
- (d) Notice may be delivered by hand to the residential Last Known Address of the Owner of the Land and, where the Owner is different from the Occupant, also to the Last Known Address of the Occupant of the Land. Where that residence has a depository ordinarily used for mail, the Notice shall be placed within that place. Where there is no obvious depository ordinarily used for mail, the Notice shall be affixed to the front doorway to the residence.
- (e) Where none of (b), (c) or (d) can be effected with reasonable certainty that a Recipient will actually receive the Notice, the Recipient shall be advised by way of advertisement in a newspaper, with delivery in the municipality of the Recipient's Last Known Address, that he or she should contact the Manager for information regarding the Land.

7.05 Receipt of Notice

- (a) Notice which is sent by mail to a Recipient in accordance with Section 7.04(b) is deemed to have been received by the Recipient five (5) business days following the date of the mailing of the Notice.
- (b) Notice which is delivered to Recipient in accordance with Section 7.04(c) is deemed to have been received by the Recipient at the time that it is handed to him or her.
- (c) Notice which is delivered or affixed to a residence in accordance with Section 7.04(d) is deemed to have been received by the Recipient five (5) business days following the date of delivery or posting.
- (d) Notice which is published in accordance with Section 7.04(e) is deemed to have been received by the Recipient on the business day next following the date of publication of the newspaper in which the Notice was published.

7.06 Where no Notice is Required

Where the condition of the Land is such that it constitutes a hazard to members of the public, the Manager is authorized to follow the provisions of Section 7.09 of this By-law, without having first issued the Notice.

7.07 Failure to Comply with Final Notice

- (a) It is an offence for an Owner of Land to fail to comply with a Final Notice.
- (b) It is an offence for an Occupant of Land to fail to comply with a Final Notice.

7.08 Penalties

Every person who commits an offence pursuant to this By-law is liable, upon conviction, to the penalties prescribed by the *Provincial Offences Act*.

7.09 Municipal Action

Subject to Section 7.05, where a Final Notice has been sent or issued, and the requirements of the Final Notice have not been complied with, the Corporation may cause any work to be done which is necessary to bring the Lands into a condition which complies with the Final Notice. In such circumstances, the cost of the work shall be at the expense of the Owner, and constitutes a debt due to the Corporation.

7.10 Authorization By Council

Prior to taking action in accordance with Section 7.09 of this By-law, the Manager shall report to the Council, or to any person to whom Council has delegated the approval authority, and obtain authorization for the work to be undertaken.

7.11 Delegation of Authority to General Manager of Development Services

Council's authority to authorize work in accordance with Section 7.09 is delegated to the General Manager of Development Services in all cases where the cost of the work to be undertaken is estimated to be less than ten thousand (\$10,000.00) dollars.

7.12 Recovery of Debt

Any debt due to the Corporation under Section 7.09 of this By-law may be recovered from the Owner by action or by adding the debt to the tax roll and collecting it in the same manner as taxes.

Article 8.00: General Provisions & Repeals

8.01 Conflict

If a provision of this By-law conflicts with any provision of another by-law in force within Thunder Bay, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

8.02 Title

This By-law may be referred to as the "Yard Maintenance By-law".

8.03 Repeals

Upon passage of this By-law, the following are repealed:

- (a) By-law Number 069-2006; and
- (b) By-law Number 123-1970.

8.04 Transitional Rules

Despite Sections 8.03 and 8.05, after the passage of this By-law, By-law Number 069-2006 shall remain in effect for the purposes of concluding any legal and/or court processes that commenced under its provisions that had not been concluded upon enactment of this By-law.

8.05 Effective Date

This By-law shall come into force and take effect upon the date of its final passing.

Enacted and passed this 9th day of June, A.D. 2008 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

"Lynn Peterson"

Mayor

"Rosalie A. Evans"

Acting City Clerk