

Council-In-Committee Meeting – December 14, 2021

Subject: Clean Yard By-Law / Lot Maintenance
Report Number: CAO-21-84
Division: Chief Administrative Officer
Department: Clerks and By-law
Purpose: For Decision

Recommendation(s):

THAT Staff Report CAO 21-84 Clean Yard By-law / Lot Maintenance be received as information;

AND THAT the Draft Lot Maintenance Bylaw attached to this report be adopted.

Executive Summary:

Within the By-law Enforcement division, clean yard issues such as long grass and weeds is one of the most common complaints received, and as a result it is important that staff are able to resolve these concerns in a diligent and efficient manner. In order to achieve this goal, a collaborative effort undertaken by staff has resulted in the creation of a new by-law and is before Council for consideration.

Discussion:

The current clean yard by-law, By-law 2005-127, was passed June 14, 2005 and is included as Attachment A. In the following 15+ years, enforcement staff have encountered a few challenges in utilizing this by-law.

To help rectify these challenges, the new proposed by-law, included as Attachment B, contains a couple minor changes as well as the following five significant changes.

The first change pertains to road allowance or boulevard properties. Under the current by-law, there is no requirement for property owners to cut grass or maintain the boulevard component of the property. While the overwhelming majority of property owners do actively maintain this area, from time to time the by-law department receives complaints related to this matter and currently does not have any tools to address it. Due to the lack of enforcement tools for boulevards, by-law staff must refer these matters to the county roads department who will send out a crew to remedy the violations. The proposed by-law now includes a section that requires property owners to cut grass and/or maintain the boulevard component adjacent to their property.

The second challenge faced under the current by-law is that it currently contains a mandatory 14 day appeal window. With the current appeal timeframe, officers will

receive a complaint for long grass, attend the scene and proceed with the issuance of an order providing a 14 day timeframe to appeal. Only after the 14 days has elapsed, can officers proceed with bringing in a contractor to cut the grass. This, combined with delays in hiring a contractor, can result in delays of three weeks or more for simple complaints such as overgrown grass and weeds. Removing the appeal provision would allow this by-law to function similar to our current snow and ice clearing by-law. This would allow officers to attend and post the order on site, providing a reduced compliance window such as five to seven days and proceed with corrective action at a much more accelerated rate.

The third significant change refers to the adding of institutional zones. Currently the by-law only applies to residential and commercial properties. As many institutional zones such as schools and churches abut residential zones, there is a strong argument that including them under this by-law would help officers address any concerns that arise. Agricultural, Industrial and other zones would continue to be exempt from this by-law. As agricultural zones are not regulated under this by-law, the biosecurity provision has been removed.

The fourth change involves the inclusion of invasive plant species within the by-law. At current, the by-law only regulates noxious weeds. Our forestry department has brought forward concerns regarding invasive species such as Japanese Knotweed which is currently posing problems in the County. Attachment C provides further documentation regarding this plant. This amendment would give the County an additional tool to assist in addressing this concern.

The final significant change refers to the short form name change. Staff are recommending a change of title from “Clean Yard By-law” to “Lot Maintenance By-law” to provide better clarification of the by-law’s intent.

Financial Services Comments:

There are no direct financial implications as the intent of the proposed Lot Maintenance By-Law is to ensure that staff are able to resolve clean yard issues in a timely and efficient manner.

Penalties related to those who contravene this by-law have not been revised within the proposed draft by-law.

Interdepartmental Implications:

N/A

Consultation(s):

This proposal was prepared by a joint effort of the By-law Enforcement, County Solicitor, County Clerk and Forestry departments. The report has been reviewed by

Operations and Community Development and circulated to the Strategic Leadership Team.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities".

Explanation: An amendment to this by-law would assist enforcement staff in quickly resolving complaints related to unmaintained properties resulting in a more vibrant community.

Conclusion:

This report presents an amended clean yard by-law for review and approval by Council. The by-law is suggested to be retitled to a Lot Maintenance By-Law.

Attachment(s):

Attachment A: By-law 2005-127, Clean Yard By-law

Attachment B: Proposed Lot Maintenance By-law

Attachment C: Japanese Knotweed

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