

## Report to Community and Protective Services Committee

**To:** Chair and Members  
**Community and Protective Services Committee**

**From:** Scott Mathers, MPA, P.Eng.  
**Deputy City Manager**

**Subject:** Planning and Economic Development  
**Public Participation Meeting- Housekeeping Amendments:  
Yard and Lot Maintenance By-law, Administrative Monetary  
Penalty System By-law**

**Date:** February 20, 2024

## Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken:

- (a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on March 13, 2024, being “a By-law to require the owner or occupant of land to clean and clear the land, or to clear refuse from the land, not including buildings” to repeal and replace the City’s existing Yard and Lot Maintenance By-law No. P.W.-9.
- (b) the attached proposed by-law (Appendix “B”) **BE INTRODUCED** at the Municipal Council meeting to be held on March 13, 2024, to amend By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London” to increase the penalty amounts in Schedule A-4 pertaining to the Yard and Lot Maintenance By-law.
- (c) the attached proposed by-law (Appendix “C”) **BE INTRODUCED** at the Municipal Council Meeting to be held on March 13, 2024, to repeal Council Policy CPOL. - 172-424. regarding Naturalized Areas and Wildflower Meadows.

## Executive Summary

This report summarizes the work done pertaining to the proposed new Yard and Lot Maintenance By-law (PW-XX), and the repeal of the existing PW-9 By-law.

Civic Administration also recommends amendments to the Administrative Monetary Penalty System (AMPS) by-law amending selected penalty schedules to reflect new categories and penalties and to allow staff to further utilize AMPS as a tool to ensure compliance with the proposed new Yard and Lot Maintenance By-law.

Finally, this report recommends the deletion of the Naturalized Areas and Wildflower Meadows Council Policy CPOL. -172-424 as the new By-law will eliminate the need for this Policy.

## Linkages to Corporate Strategic Plan

Changes to the By-law create and support two pillars of the 2023-27 Strategic Plan: Wellbeing and Safety, and Climate Action and Sustainable Growth.

### Wellbeing & Safety

The new By-law proactively addresses emerging issues by redefining what constitutes a ‘neat and tidy’ yard and allows greater flexibility in its approach to clearing the land.

Introducing Corner and Driveway visibility triangles helps to improve pedestrian safety especially the safety of small children. (1.5)

The By-law, in a small way, may help address food insecurity and improved equity by clarifying opportunities to growing more diverse species of flora in their yards: More growing area and less regulation about what can be grown. (1.9)

Finally, the new By-law helps to support community-led initiatives such as the Pollinator Pathways Project, Food not Lawns, and others. (2.2)

### **Climate Action & Sustainable Growth**

The By-law reduces the barriers for citizens to improve the natural environment on their own properties which in turn can help to protect our watersheds and natural heritage areas. (1.2)

By implementing a “climate lens framework” in the creation of the By-law we help to build resiliency throughout the City. (2.2)

## **Analysis**

### **1.0 Background Information**

**1.1 Previous Reports** CPSC – October 13, 2020, March 20, 2012, Feb 1 2010.

#### **1.2 Municipal Purpose**

*The Municipal Act* is the main statute governing the creation, administration, and government of municipalities in Ontario. *The Municipal Act* provides that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings. These provisions, among others in the Act, serve as the municipal purpose for the attached By-law amendments.

### **2.0 Discussion and Considerations**

Staff reviewed best practices from municipalities across the province regarding “yard maintenance” and “clearing of land” by-laws. Special attention was paid to how the London by-law would permit naturalized yards to better reflect Council’s goals and strategies around climate action, species diversification, pollinators, etc.

Staff reached out to experts and municipalities to discuss and review the topic. Notably the Ecological Design Lab’s ongoing research project “By-laws for Biodiversity” provided background information and resources for our proposed changes.

We sought to remove judgement from the regulation and enforcement of the by-law particularly around naturalized yards and to reduce the number of calls we receive regarding differences of opinion regarding yard aesthetics. We believe that we have struck a balance between those that seek to naturalize and diversify their property, those that wish to maintain more traditional lawns or annual gardens, and those that ignore their property and create a potential public nuisance.

### **3.0 Financial Impact / Considerations**

Since 2021 when Municipal Compliance began issuing Administrative Monetary Penalties (AMPs) for the PW-9 By-law there have been 84 issued for a total of \$14 700.00. In 2023 there were 31 AMPs issued for a total of \$5 425.00.

There hasn’t been an AMP issued for “failure to clear buffer strip” or for “failure to locate refuse containers in accordance with the by-law” which are the two penalty categories we proposed removing from the AMPs by-law based on policy changes to the Yard and Lot Maintenance By-law.

The proposed increase in penalty amounts is recommended for the purposes of encouraging compliance and deterring repeat violations. The increase could have a

minor impact on increased fine revenues recognising that the primary tool used for compliance of this by-law are contractor led cleanups.

## 4.0 Key Issues and Considerations

### 4.1 Changes to the Yard and Lot Maintenance By-law

The following summarizes key changes proposed for the Yard and Lot Maintenance By-law. The new By-law, in its entirety, is attached as "Appendix A"

- 1) 'Purpose' of By-law changed from *"A By-law to provide for the filling up, draining, cleaning and clearing of land, and clearing of refuse from land"* to *"A By-law to require the owner or occupant of land to clean and clear the land, or to clear refuse from the land, not including buildings"*, to better reflect the purpose of the By-law.
- 2) Several 'whereas' statements updated to reflect Municipal Act updates and permissions.
- 3) Part 1 – Definitions  
New definitions have been added, some updated, and some completely removed. Notable Definitions added to the proposed by-law include:
  - "Driveway Visibility Triangles" and "Corner Visibility Triangles" to regulate the height of vegetative growth where it interacts with the public realm to reduce potential safety impacts ( especially small children) as a result of obstructions when vehicles are turning corners or entering and exiting driveways.
  - A definition for 'Lawn' has been created with the assistance of the Ecological Design Lab in Toronto - specific to turfgrasses - to differentiate it from other vegetation, gardens, and ornamental grasses.
  - 'Prohibited Plants' has been introduced to facilitate the creation of a London-specific list of plants within the regulations of the By-law that could, in specific instances, differ from the Weed Control Act. This provides for flexibility over locally identified invasive and noxious plants.
  - Clarifying 'Refuse' terminology so that the definition is easier to read and understand.
  - Adding "Unlicensed Donation Bins" as a definition and a specific new refuse category to give staff the ability to have unlicensed bins cleared from properties, not just to have the areas around them cleaned.
  - Consolidating the language around the growth of flora on a property which should create more equity between the many forms (and aesthetics) of yard maintenance. This was specifically intended to reduce the bias toward traditional lawns and to support naturalization and biodiversity by not restricting it beyond a public safety lens.
- Notable definitions removed from the proposed by-law:
  - 'Border' & 'Buffer Strip' removed to increase the amount of land that can be used to grow vegetation.
  - 'Cleared' deleted as new, more specific definitions for Lawn, Refuse, and Vegetative Growth refocus the intent of the By-law.
  - 'Naturalized Ares', 'Perennial Gardens', and 'Wildflower Meadows' removed to provide clarity for staff and the public, and to reduce the bias toward traditional grassed yards.
- 4) Part 2 General Provisions  
The "General Provisions" section of the By-law has been rewritten to provide more clarity.

- Vegetative Growth now differentiated from Lawns and permitted everywhere (as mentioned in section 3 of this report, no more “buffer strips” to delineate meadows and gardens)
- Consolidation and alignment with the *Municipal Waste and Resource Materials Collection By-law (WM-12)* regarding containment and collection of refuse.
- No changes to the regulation of Lawns, for those that wish to maintain turfgrass yards.

#### 5) Part 3 Exemptions

The “Exemptions” section of the new By-law has been updated to better reflect community interests and standards. Most notably:

- Removed the overall exemption for “Agricultural Lands” and updated the By-law to better reflect the intent of the *Farming and Food Production and Protection Act* re. “Normal Farm Operations” in rural settings.
- Added an exemption for all City land, including parks, to the By-law where previously the exemption only pertained to land or structures operated by the City for dumping or disposing of refuse.
- A better understanding and implementation of the *Weed Control Act* and how it pertains to urban areas in the City of London. This is also addressed through the introduction of the administrative “Prohibited Plants” list.

#### 6) Part 4 Prohibitions

The Prohibitions section has been consolidated to better align with the current intent, and to reduce redundancy in the By-law. Notably the word ‘person’ has been changed to ‘owner’ in most prohibitions to ensure the By-law is direct in its intent.

#### 7) Part 5 Enforcement & Interpretation

This Section has been renamed from ‘Enforcement’ to Enforcement & Interpretation. A section has been added to include the Administrative Monetary Penalty System (AMPS) as a penalty where compliance with the By-law fails. Section 5.14 was added to address singulars and plurals within the text.

#### 8) Part 6 Powers of the Director

This Section was added to enable the Director to prescribe the format and content of forms or documents required under this by-law, specifically to facilitate the creation of a *Prohibited Plants List* as a regulation to the By-law.

Creation and management of this list will be done by the Director, who may solicit the input of City ecologists, area Weed Inspectors, and other qualified person(s) as the Director deems necessary to add or remove plants from the list.

Having the list as a regulation, rather than a section of the By-law allows administrative amendments to be made, rather than a bringing a report to Council each time the list is amended. Administrative regulations are utilized in various City By-laws to great effect, allowing the Director to make quick decisions regarding local invasive species, noxious weeds, and prohibited plants.

It should also be noted that Municipal Compliance will work with City Ecologists to generate and maintain the Prohibited Plants List, but also create educational and outreach material - including a web page - to educate the public about which plants are prohibited in London and why. Suggestions have been received from the Civic Works Committee (CWC) via the Environmental Stewardship and Action Community Advisory Committee (ESACAC) and reviewed for consideration in educational materials.

## **4.2 Changes to the Administrative Monetary Penalty System (AMPS)**

Schedules A-1 and A-4 of the AMPS By-law have been amended (Appendix 'B') to reflect the new regulations and penalty categories on the proposed Yard and Lot Maintenance By-law.

Increases have been proposed to all penalties in order to promote compliance and deter repeat offences. The proposed increase in penalties are from \$175 to \$300 per offence.

The financial implications of this change are discussed in Section 3.0 of this report.

## **4.3 Deleting Council Policy - Naturalized Areas and Wildflower Meadows.**

The deletion of Council Policy CPOL.-172-424.re. Naturalized Areas and Wildflower Meadows is a housekeeping measure. The policy was enacted in 2017 with the purpose of ensuring that *Naturalized Areas and Wildflower Meadows* complied with the Yard and Lot Maintenance By-law. However, based on the housekeeping amendments focussing on clarity of regulations, the Policy is no longer required.

Owners of naturalized areas or wildflower meadows will no longer be required to submit a plan nor seek any exemptions for their naturalized area(s). This will have the effect of freeing up some staff time as Civic Administration will no longer be required to collect, exempt, nor monitor naturalized areas and wildflower meadows throughout the city.

## **Conclusion**

The repeal and replacement of the Yard and Lot Maintenance By-law is intended to simplify our approach to the cleaning and clearing of land, especially as it pertains to naturalized yards.

Changes made to the definitions, including refuse and the containment thereof, align with the City's *Municipal Waste and Resource Materials Collection By-law WM-12*, and the overall strategic goals of the Municipality.

Amendments to the By-law and deletion of a Council Policy regarding naturalized yards are intended to make it easier for people to grow what they want on their property, with regulations pertaining only to nuisances and public safety matters. This modernizes our approach to yard maintenance and aligns with the 2023-2027 Strategic Plan regarding "Health and Wellbeing" and "Climate Action", as indicated.

Amendments to the Administrative Monetary Penalty System (AMPS) align the new By-law with the AMPS By-law including increased penalties for non-compliance.

<b>Prepared by:</b>	<b>Ethan Ling MSc. Policy and Program Analyst, Municipal Compliance</b>
<b>Submitted by:</b>	<b>Nicole Musicco Manager, Licensing, Policy, and Special Operations</b>
<b>Reviewed &amp; Concurred by:</b>	<b>Orest Katolyk, MPL, MLEO(C), Director, Municipal Compliance</b>
<b>Recommended by:</b>	<b>Scott Mathers, MPA, P.Eng. Deputy City Manager, Planning and Economic Development</b>

## “Appendix A”

Bill No.XXX  
2024

By-law No. P.W.-XX

A By-law to require the owner or occupant of land to clean and clear the land, or to clear refuse from the land, not including buildings.

WHEREAS Section 2 of the *Municipal Act, 2001* provides that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under the *Municipal Act, 2001* and many other Acts for the purpose of providing good government with respect to those matters;

AND WHEREAS Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 10 of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting matters including: 5. Health, safety and well-being of persons; 8. Protection of persons and property; 10. Structures, including fences and signs;

AND WHEREAS Section 127 of the *Municipal Act, 2001* provides that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

AND WHEREAS Section 127 of the *Municipal Act, 2001* provides that a municipality may regulate when and how matters required under the by-law may be done;

AND WHEREAS Section 127 of the *Municipal Act, 2001* provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS Section 127 of the *Municipal Act, 2001* provides that a municipality may define “refuse” for the purpose of the by-law;

AND WHEREAS Section 128 of the *Municipal Act, 2001* provides that a 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 it is the opinion of Council that the failure to clear refuse and debris from land is a public nuisance, including the spread of vermin;

AND WHEREAS Section 129 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to odour and dust;

AND WHEREAS Section 130 of the *Municipal Act, 2001* provides that a municipality may regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Subsection 446(1) of the *Municipal Act, 2001* provides that a municipality may direct that in default of clearing the land of refuse by the person directed or required to do it, the cleaning and clearing of land shall be done at the person’s expense;

AND WHEREAS Subsection 446(2) of the *Municipal Act, 2001* provides that a municipality may enter upon land at any reasonable time for the purpose of cleaning and clearing the land of refuse;

AND WHEREAS the City's *Inspections By-law A-30* governs the City's Powers of Entry for the purposes of carrying out inspections, and s. 435 of the *Municipal Act, 2001* sets out general conditions for the Powers of Entry, including that the person exercising the power may be accompanied by a person under his or her direction;

AND WHEREAS Section 446(3) of the *Municipal Act, 2001* provides that a municipality may recover the costs of clearing the land from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Section 391 of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS the *Police Services Act*, R.S.O. 1990, Section 15 authorizes the municipality to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

## **Part 1**

### **DEFINITIONS**

#### **1.1 Definitions**

In this by-law, the following definitions shall apply:

“Art Mural” means a work of art depicting a scene or theme created in a specified location on a surface that has been approved by the property owner and deliberately implemented for the purposes of beautifying the specific location.

“City” means the corporation of the City of London.

“Compost Container” means an outdoor receptacle designed for the purpose of storing nonliving plant material as it decomposes into for use as a soil amendment. This does not include a City of London Green Bin.

“Corner Visibility Triangle” means a triangular area formed within a corner lot by the intersecting lot lines abutting two streets, or the projections thereof, and a straight line connecting them 5.4 metres (17.7 feet) from their point of intersection.

“Director” means the Director of Municipal Compliance for the City of London or their authorized representative.

“Driveway Visibility Triangle” means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and the street line or sidewalk (if existing) or the projections thereof, and a straight line connecting them 2.7 metres (8.9 feet) from their point of intersection.

“Graffiti” means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains, or other markings that disfigure or deface, howsoever made or otherwise affixed

or applied to a building, structure, surface, or thing, but does not include an Art Mural, nor a sign authorized under the City's Sign By-law.

"Inoperative Vehicle" shall mean a licensed or unlicensed vehicle having damaged, deteriorated, removed, or missing parts or equipment necessary for its safe operation.

"Land" includes yards, vacant lots, or any part of a lot which is not beneath a building; and for the purpose of this by-law includes unenclosed decks, unenclosed porches, unenclosed carports, and unenclosed garages accessory to a residential use.

"Last Known Address" means the address which appears on the last revised assessment roll of the City.

"Lawn" means perennial turfgrass grown for ground cover, of a type that forms a dense, uniform turf when mown, including but not limited to Kentucky bluegrass, perennial ryegrass, or fine fescue.

"Officer" means a police officer or a municipal law enforcement officer of the City of London.

"Owner" includes a lessee or occupant of the land eighteen (18) years of age or older.

"Prohibited Plant" means any plant species designated by the Director as shown on *Schedule A – Prohibited Plants*.

"Receptacle" means a container used to hold refuse and includes green bins, green bin carts, recyclable material collection receptacles, waste collection receptacles and yard material collection receptacles.

"Refuse" means garbage, waste, or rubbish of any kind, including but not limited to;

- a) rubble, debris, earth, rocks, and stones;
- b) tree cuttings, limbs, and brush;
- c) Inoperative Vehicles, and/or vehicle parts;
- d) mechanical, electrical, and any kind of equipment or parts;
- e) any type of tank including a fuel tank, oil tank, or water tank;
- f) any and all domestic goods, furniture, or appliances;
- g) recyclable material such as paper, cardboard, containers, or cartons;
- h) material from construction or demolition projects;
- i) liquids or effluents;
- j) bones, feathers, animal hides or carcasses;
- k) commercial shopping carts, and;
- l) Unlicensed Donation Bins;

even where such material has commercial value.

"Unlicensed Donation Bin" means a donation bin that is not owned or managed by a licensed Donation Bin Business in City of London as per the *Business Licensing By-law*.

"Vegetative Growth" means a plant garden and includes, without limiting the generality of the foregoing, an annual or perennial flower garden, food garden, rain garden, hedge, shrub, plant, vine, and groundcover, but does not include trees or Lawn.



## Part 2

# GENERAL PROVISIONS

### 2.1 Administration of By-law:

This by-law is administered by Municipal Compliance, Planning & Economic Development Services Department of The Corporation of the City of London.

### 2.2 Removal of Refuse, Prohibited Plants, and Graffiti

1. An Owner shall remove any Refuse from their Land so that it is left in a clean and clear condition.
2. An Owner shall ensure their Land is kept clean, clear, and free from objects or conditions, that may create a public health or safety hazard, or a nuisance.
3. An Owner shall ensure their Land is kept free and clear of any Prohibited Plants.
4. An Owner shall keep their Land, including any buildings, structures, fences, and surfaces free and clear of Graffiti.

### 2.3 Vegetative Growth & Lawn

1. An Owner shall ensure Lawn on their Land does not exceed 20cm (8 inches) in height or length.
2. An Owner shall ensure Vegetative Growth on their Land does not exceed 0.9m (3 feet) in height within any Corner Visibility Triangle or Driveway Visibility Triangle.
3. An Owner shall ensure that Vegetative Growth or Lawn on their Land do not create a public health or safety hazard, or a nuisance.

### 2.4 Containment and Storage of Refuse

1. Every Owner shall ensure that Refuse is stored in Receptacles that:
  - (a) are made of rigid, watertight construction;
  - (b) have a tight-fitting cover, which may be removed only when the container is empty or when actively loaded or cleaned;
  - (c) are maintained in good condition without holes or spillage;
  - (d) are kept clean to prevent the escape of waste, prevent litter or offensive odours, and;
  - (e) are appropriate for, and capable of, containing all refuse generated by the uses and users the receptacles serve, in accordance with the *Municipal Waste and Resource Materials Collection By-law WM-12*, or any successor by-law.
2. Every Owner shall ensure Refuse is placed for collection in accordance with the *Municipal Waste and Resource Materials Collection By-law WM-12*, or its successor.
3. Every Owner shall ensure Refuse is not stored or kept for longer than 14 days.
4. Where an exterior bin or bulk storage container storage system is used to store Refuse the Owner shall ensure that all exterior bin or bulk storage containers are:

- (a) equipped with lids, covers, or similar devices which are readily operable but not left open except when actively being loaded;
- (b) large enough to contain all waste generated between collections by the occupants the system is designed to serve;
- (c) not loaded beyond the top of the container, and;
- (d) kept neat, tidy, litter, and vermin free.

### **2.5 Outdoor Furniture**

Every Owner shall ensure that any furniture that is located on their Land is kept in a clean, neat, and tidy condition and maintained in good repair.

### **2.6 Swimming Pool Water**

Every Owner shall ensure water within a swimming pool on their Land is kept in a condition which is not;

- (a) a health or safety hazard;
- (b) malodorous, or;
- (c) a breeding place or habitat for animals, including insects.

## **Part 3 PROHIBITIONS**

### **3.1 Refuse Deposited on Land - prohibited**

No person shall throw, place, or deposit Refuse on any Land without lawful authority

### **3.2 Refuse not cleared from Land – prohibited**

No Owner shall fail to clear their Land of refuse.

### **3.3 Vegetative Growth and Lawn – fail to maintain - prohibited**

No Owner shall fail to maintain Vegetative Growth or Lawn on their Land in accordance with the provisions of this by-law.

### **3.4 Prohibited Plants – removal**

No Owner shall fail to remove Prohibited Plants identified as part of this by-law from their Land.

### **3.5 Refuse Containment - prohibited**

No Owner shall fail to contain Refuse within Receptacles maintained in accordance with the provisions of this by-law.

### **3.6 Excavation – failure to enclose – prohibited**

No Owner shall fail to enclose any excavation on their Land with a temporary barrier at least 122 centimetres (48 inches) in height.

### **3.7 Water – 30 cm deep – failure to drain – prohibited**

No Owner shall fail to drain an accumulation of water on their Land that exceeds 30 centimetres (12 inches) in depth

### **3.8 Outdoor Furniture – fail to maintain – prohibited**

No Owner shall fail to maintain outdoor furniture on their Land in accordance with the provisions of this by-law.

### **3.9 Swimming Pool Water – fail to maintain - prohibited**

No Owner shall fail to keep or maintain the water in a swimming pool on their Land in accordance with the provisions of this by-law.

### **3.10 Graffiti - removal**

No Owner shall fail to remove Graffiti from buildings, structures, erections, or objects on their Land in accordance with this by-law.

### **3.11 Obstruction of Officer - prohibited**

No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer in the enforcement of the provisions of this by-law.

### **3.12 Contravention of Order - prohibited**

No Owner shall contravene a Work Order or an Order to Discontinue Activity.

### **3.13 Failure to comply with Administrative Regulations - prohibited**

No Owner shall fail to comply with any administrative regulations made as part of this by-law.

## **Part 4 EXEMPTIONS**

### **4.1 Active Construction – exemption**

Section 2.4 of this by-law does not apply to Land on which construction is proceeding under a valid building permit except where materials have been removed from an existing building or are awaiting disposal.

### **4.2 Site Plan – exemption**

Section 2.4 of this by-law does not apply to Land where approval under the Site Plan Control Area By-law has been obtained that includes regulations pertaining to the containment and location of garbage.

### **4.3 Outdoor storage – lawful – exemption**

Section 2.4 of this by-law does not apply to Land which is lawfully used for outdoor storage of materials in compliance with the applicable zoning and licensing by-laws and regulations so long as the materials are not deemed by the City to be Refuse.

### **4.4 City Lands and Parks - exempted**

This By-law does not apply to Land, including parks, owned or operated by the City of London, except with regard to Part 3, Prohibitions, Section 3.1.

### **4.5 Natural bodies of water – exemption**

Sections 2.6 and 3.5 of this by-law do not apply to natural bodies of water.

### **4.6 Normal Farm Practices – exempted**

This By-law does not apply to normal farm practices carried on as part of an agricultural operation, as per the *Farming and Food Production and Protection Act, 1998*.

### **4.7 Weed Control Act**

The provisions of the *Weed Control Act* with respect to the destruction of noxious weeds take precedence over this By-law where noxious weeds or weed seeds are close enough to any land used for agricultural or horticultural purposes such that they interfere with that use, as per section 22 of the *Weed Control Act*.

### **4.8 Compost in a Compost Container – not Refuse**

Compost kept in a Compost Container shall not be considered Refuse.

# **PART 5**

## **ENFORCEMENT & INTERPRETATION**

### **5.1 Offence – fine for contravention**

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

### **5.2 Continuation – repetition – prohibited – by Order**

The court in which a conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

### **5.3 Default – not remedied – fee**

Where anything required or directed to be done in accordance with this by-law is not done, the Director may upon such notice as they deem suitable, do such thing at the expense of the Owner, and in so doing may charge an administrative fee as provided in the City of London *Fees and Charges By-law*. Any expenses and fees incurred by the City that are not paid by the Owner may be recovered by action or by adding the costs to the municipal tax roll and collecting them in the same manner as property taxes.

### **5.4 Removal - immediate disposal**

Where any of the matters or things are removed in accordance with section 5.3 of this by-law, the matters or things may be immediately disposed of by the Director.

### **5.5 Officer – entry to inspect**

An Officer designated to perform inspections pursuant to this by-law may, at all reasonable times, enter onto Land for the purposes of inspection of the Land.

### **5.6 City – bring property to compliance**

Where the City proceeds pursuant to section 5.3 of this by-law, an Officer may enter onto Land accompanied by any person under their direction and with the appropriate equipment as required to bring the property into compliance with this by-law.

### **5.7 Order to Discontinue Activity**

If an Officer is satisfied that this by-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the Owner of the Land on which the contravention occurred, to discontinue the contravention.

### **5.8 Order to Discontinue Activity - particulars**

An Order to Discontinue Activity shall set out:

- (a) the municipal address of the property on which the contravention occurred;
- (b) the date of the contravention;
- (c) the reasonable particulars of the contravention of the by-law;
- (d) the date by which there must be compliance with the order; and
- (e) the date on which the order expires.

### **5.9 Order to Discontinue Activity - service**

The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the Last Known Address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation may be effected by registered mail to the corporate mailing address.

### **5.10 Work Order – contravention of by-law**

If an Officer is satisfied that a contravention of the by-law has occurred, the Officer may make an order, known as a Work Order, requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner of the Land on which the contravention occurred to do the work to correct the contravention.

#### **5.11 Work Order - contents**

A Work Order shall set out:

- a) the municipal address or the legal description of the Land;
- b) reasonable particulars of the contravention and of the work to be done;
- c) a deadline, being a specific date, for compliance with the Work Order; and
- d) a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the property's tax roll.

#### **5.12 Work Order – service**

A Work Order may be served personally on the person to whom it is directed or sent by regular mail to the Last Known Address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation may be affected by registered mail to the corporate mailing address.

#### **5.13 Administrative Monetary Penalty for Failing to Comply**

Each person who fails to comply with any provision of this By-law shall, upon issuance of an administrative penalty notice in accordance with the *Administrative Monetary Penalty System By-law*, be liable to pay the City an administrative monetary penalty.

#### **5.14 Interpretation**

In the interpretation of this by-law, words in the singular include the plural and vice-versa, words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust, and unincorporated organization.

## **Part 6 POWERS OF THE DIRECTOR**

6.1 In addition to any other power, duty or function delegated in this By-law, the Director may make administrative regulations under this By-law including:

- (a) prescribing the format and content of any forms or other documents required under this By-law, and;
- (b) adding or removing plant species to or from the List of Prohibited Plants

## **Part 7 REPEAL – ENACTMENT**

#### **7.1 By-law – previous**

By-law P.W.-9 and all of its amendments are hereby repealed.

#### **7.2 Effective date**

This by-law comes into force and effect on the day it is passed.

#### **7.3 Short Title**

The short title of this by-law shall be the "Yard and Lot Maintenance By-law".

PASSED in Open Council on March 13, 2024

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 13, 2024

Second Reading – March 13, 2024

Third Reading – March 13, 2024

## Appendix “B”

Bill No. \_\_\_\_\_  
2024

By-law No. - \_\_\_\_\_

A by-law to amend By-law No. A-54, as amended, being “A by-law to implement an Administrative Monetary Penalty System in London” to repeal and replace Schedule A-4

**WHEREAS** section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

**AND WHEREAS** the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

**AND WHEREAS** the Municipal Council on June 25, 2019, passed By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London;”

**AND WHEREAS** the Municipal Council deems it appropriate to amend By-law No. A-54 with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System By-Law;

**NOW THEREFORE** the Council of The Corporation of the City of London enacts as follows:

1. That Schedule “A-1” to By-law No. A.54 be amended to replace the current by-law number associated with the Yard and Lot Maintenance By-law (By-law PW-9) with the new By-law Number (TBD – Clerks), using the same title.
2. That Schedule “A-4” to By-law No. A.54 be replaced with the attached schedule.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 13, 2024,

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 13, 2024  
Second Reading – March 13, 2024  
Third Reading – March 13, 2024

**Schedule “A-4”  
Penalty Schedule for Yard and Lot Maintenance By-law**

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the By-law Section listed in Column 3.

3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the By-law Section listed in Column 3.

<b>Column 1 Item #</b>	<b>Column 2 Short Form Wording</b>	<b>Column 3 Provision Creating or Defining Offence</b>	<b>Column 4 Administrative Penalty Amounts</b>
1	Deposit refuse on any property without authority	Part 3, Section 3.1	\$300.00
2	Fail to clear land of refuse	Part 3, Section 3.2	\$300.00
3	Fail to maintain vegetative growth or lawn in accordance with by-law	Part 3, Section 3.3	\$300.00
4	Fail to remove prohibited plant(s) in accordance with by-law	Part 3, Section 3.4	\$300.00
5	Fail to contain or store refuse in accordance with by-law	Part 3, Section 3.5	\$300.00
6	Fail to enclose excavation with temporary barrier (122cm / 48 inches) high	Part 3, Section 3.6	\$300.00
7	Fail to drain accumulation of water over (30cm / 12 inches) deep	Part 3, Section 3.7	\$300.00
8	Fail to maintain outdoor furniture in accordance with by-law	Part 3, Section 3.8	\$300.00
9	Fail to maintain water in swimming pool in accordance with by-law	Part 3, Section 3.9	\$300.00
10	Fail to remove graffiti in accordance with by-law	Part 3, Section 3.10	\$300.00
11	Hinder or obstruct officer in accordance with by-law	Part 3, Section 3.11	\$300.00
12	Attempt to hinder or obstruct officer in accordance with by-law	Part 3, Section 3.12	\$300.00
13	Contravene or fail to comply with a Work order or an Order to Discontinue Activity in accordance with by-law	Part 3, Section 3.13	\$300.00
14	No person shall fail to comply with any administrative regulations in accordance with the by-law	Part 3, Section 3.14	\$300.00



## Appendix “C”

Bill No. \_\_\_\_\_  
2024

By-law No. - \_\_\_\_\_

A by-law to repeal By-law No. CPOL.-172(a)-211 as amended, being “Naturalized Areas and Wildflower Meadows”,

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

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

AND WHEREAS the Municipal Council of The Corporation of the City of London passed By-law No. CPOL.-172(a)-211, being “Naturalized Areas and Wildflower Meadows”.

NOW THEREFORE the Municipal Council of The Corporation of the City of London takes the following action:

1. By-law No. CPOL.-172(a)-211, as amended, being “Naturalized Areas and Wildflower Meadows”, is hereby repealed.

PASSED in Open Council on March 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – March 13, 2024  
Second Reading – March 13, 2024  
Third Reading – March 13, 2024