

Bill No.119

2012

By-law No. PW-9-

A By-law to amend By-law No. PW-9, as amended, entitled "A by-law provide for the filling up, cleaning and clearing of land, and clearing of refuse from land".

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 WEHREAS 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, graffiti is a matter which, in the opinion of Council, is or could become, or could cause a public nuisance;

AND WHEREAS, Council of The Corporation of the City of London deems it desirable and in the public interest to amend By-law PW-9;

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

1. By-law PW-9 is hereby amended in Part 1, Definitions, in the first line by changing the number 1. to 1.1, and in the second line deleting the number 2.1.
2. By-law PW-9 is hereby amended in section 6.3 of Part 6 by deleting the words "Clearing of Land By-law" and replacing them with the words "Yard and Lot Maintenance By-law".
3. By-law PW-9 is hereby amended in section 1.1 of Part 1 by adding the definition of "Art Mural", "Building", "Graffiti" and "Leaf Compost" as follows:

Art Mural

"Art Mural" is a mural depicting a scene or theme for a designated surface and location that has been approved including by the property owner and deliberately implemented for the purposes of beautifying the specific location.

Building

"Building" for the purposes of graffiti removal includes but is not limited to a building, structure, erection, object, fence, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container.

Graffiti

"Graffiti" includes one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a building, howsoever made or otherwise affixed or applied on the structure or thing, but, for greater certainty, does not include an Art Mural.

4. By-law PW-9 is hereby amended in section 1.1 of Part 1 by deleting the definition of "Land" and replacing it with:

Land

"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.

5. By-law PW-9 is hereby amended in section 1.1 of Part 1, "Domestic Waste" as defined by adding (j) within the definition as follows:

(j) commercial shopping carts

6. By-law PW-9 is hereby amended by deleting section 2.1 and replacing it with the following:

2.1 Administration – by Planning, Environmental and Engineering Services Department

This by-law is administered by the Planning, Environmental and Engineering Services Department of The Corporation of the City of London.

7. By-law PW-9 is hereby amended in Part 2 by inserting section 2.9, 2.10, 2.11, 2.12, and 2.13 as follows:

2.9 Refuse – containment and location

Every owner shall ensure that all refuse which accumulates on their property and when not placed out for collection in accordance with applicable City by-laws is:

(a) in containers:

- i. made of rigid, watertight construction;
- ii. provided with a tight fitting cover, which may be removed only when the container is empty or is being actively loaded;
- iii. maintained in good condition without holes or spillage;
- iv. closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
- v. located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner.

(b) not permitted to accumulate longer than 14 days.

2.10 Refuse – contained within bins or exterior bulk storage containers

Every owner where an exterior bin or bulk storage container disposal system with the capacity of 8 cubic yards or less is used shall ensure that the containers are:

- (a) equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
- (b) large enough to contain all waste generated between collections by the occupants served; and
- (c) not loaded beyond the top of the container.

2.11 Graffiti – removal

Every owner shall clean the exterior of any building, structure, erection or object on their property to remove graffiti.

2.11.1 Graffiti – building, structure, erection or object – definition

For the purposes of sections 2.12 and 3.13, "building, structure, erection or object" includes but is not limited to a fence, retaining wall, paved or similarly finished surface, vehicle, trailer or waste container.

8. By-law PW-9 is hereby amended in Part 3 by inserting section 3.10, 3.11, 3.12, 3.13, and 3.14 as follows:

3.10 Refuse – containment and location

No person shall fail to contain refuse or locate refuse containers in accordance with the provisions of this by-law.

3.11 Refuse – contained within bins or exterior bulk storage containers

No person shall fail to use bins or bulk storage units to contain refuse in accordance with this by-law.

3.12 Graffiti - removal

No person shall fail to remove graffiti from buildings, structures, erections or objects on the land in accordance with this by-law.

9. By-law PW-9 is hereby amended in Part 4 by inserting Section 4.9 and 4.10 as follows

4.9 Containment and location – exemption

Section 2.9 of this by-law does not apply to land on which construction is proceeding under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control Area By-law has been obtained that includes containment and location of garbage.

4.10 Contained within bins or exterior bulk storage containers – exemption

Section 2.10 of this by-law does not apply to land on which construction is proceeding under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control Area By-law has been obtained that includes containment and location of garbage.

10. This by-law shall come into force and effect on the day that it is passed.

PASSED in Open Council on March 20, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

