



Property Maintenance By-law
By-law No. 2005-208

A by-law of the City of Ottawa respecting refuse or debris, clearing and cleaning of land and snow and ice removal.

THIS CONSOLIDATION IS PROVIDED FOR OFFICE USE AND REFERENCE PURPOSES ONLY. EVERY EFFORT IS MADE TO ENSURE THE ACCURACY OF THIS CONSOLIDATION. IT IS NOT TO BE USED IN PLACE OF PHOTOCOPIES OF ORIGINAL BY-LAWS, NOR CAN IT BE USED FOR COURT PURPOSES. FOR LEGAL REQUIREMENTS, PLEASE REFER TO THE OFFICIAL BY-LAWS OF THE CITY OF OTTAWA.

Updated February 2016

Prepared by By-law & Regulatory Services

Amending By-laws:

2006-83

2009-259

2013-383

2014-34

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1.

In this by-law,

“City” means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa as the context requires;

“Director” means the person occupying the position of Manager, By-law and Regulatory Services, in the Emergency and Protective Services Department of the City of Ottawa or authorized representative; (By-law No. 2009-259)

“lands” means grounds, yard or vacant lot;

“last known address” means the address which appears on the last revised assessment roll of the City;

“receptacle” means a solid metal or plastic container for receiving garbage or refuse; (By-law No. 2013-383)

“refuse or debris” includes garbage of any kind and, without limiting the generality of the foregoing, includes rubbish, inoperative vehicles and mechanical equipment, automotive and mechanical parts, appliances, furnaces, heater or fuel tanks, furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, material from construction or demolition projects and old clothing.

DEPOSIT OF REFUSE AND DEBRIS

2.

- 1) No person shall throw, place or deposit refuse or debris on any lands.
- 2) No person shall use any lands for the dumping or disposal of refuse or debris.

REMOVAL OF REFUSE AND DEBRIS

3.

- 1) Where on any lands there is refuse or debris, the owner or occupant shall remove the refuse or debris from the land so that the land is left in a clean condition.
- 2) Where on any lands there is heavy undergrowth, long grass or weeds, the owner or occupant shall clear the lands of such heavy undergrowth, long grass or weeds so as to be consistent with the surrounding environment.
- 3) A tree or other plant, or limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant so as to prevent an unsafe condition or damage to any building subject to the provisions of By-law No. 2009-200, the Urban Tree Conservation By-law.
- 4) A yard shall be kept clean and free from objects or conditions that may create a health or accident hazard. (By-law No. 2013-383)

GARBAGE DISPOSAL

3A.

- 1) Every outdoor receptacle shall be located in the rear yard, when space can accommodate it, or otherwise in a side yard, but shall not be located in a front yard and shall not be adjacent to any combustible structure or placed within 3 metres (10 ft.) vertically or horizontally of any opening in a habitable room of the building or of any neighbouring building.
- 2) Despite subsection (1), an outdoor receptacle may be located in the front yard of a dwelling on a farm property and residential properties over 7.5 acres in size where only one dwelling unit is situated on the property or where authority has been granted under a site plan or other agreement.
- 3) Where commercial containers or in-situ containers are visible from a public street or lane, or the subject site abuts residential properties, the area where the containers are stored shall be enclosed on all sides by a wall or solid fence not less than 1.8 m (6 ft.), such wall or fence containing an adequate door or gate to allow for the removal of garbage or refuse. (By-law No. 2013-383)

- 4) Every container for organic waste and recyclable items shall be:
 - a) maintained in a clean, neat and tidy condition; and
 - b) emptied regularly in accordance with the waste collection schedule established by the City. (By-law No. 2014-34)

OUTDOOR FURNITURE

3B.

- 1) Any furniture that is used outdoors shall be:
 - a) kept in a clean, neat and tidy condition; and
 - b) maintained in good repair. (By-law No. 2013-383)

DRAINAGE

4.

All lands shall be graded, filled up or otherwise drained so as to prevent the recurrent ponding of storm water.

SNOW AND ICE

5.

Every owner or occupant of a building shall keep the roofs of the building and the surrounding lands free of accumulations of snow or ice that might create an accident hazard.

NOTICE

6.

- 1) When any lands are not maintained pursuant to the requirements of this by-law, the Director shall send a Notice, by registered mail or direct delivery of the Notice by hand to the owner or occupant's last known address, requiring the owner or occupant to make the lands conform to the requirements of this by-law, and the Notice shall specify the time allowed for compliance.

- 2) No person shall fail to comply with a Notice sent pursuant to subsection (1).

DEFAULT

7.

- 1) Where a notice has been sent by the Director pursuant to Section 6, and the requirements of the notice have not been complied with, the City may cause the work to be done and the cost of the work shall be at the expense of the owner.
- 2) The costs of the work to be done pursuant to subsection (1) may be recovered from the owner by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

ENTRY

8.

The Director may enter at all reasonable times upon the lands to ascertain whether the provisions of this by-law are complied with and to enforce and carry into effect the provisions of this by-law.

EXEMPTIONS

9.

- 1) Despite Section 2, this by-law shall not be deemed to prohibit the storing of automotive or mechanical equipment, salvage and similar material which is required for business purposes.
- 2) Despite Section 2, nothing in this by-law shall be deemed to interfere with the filling or raising of land with earth or rock fill done as an adjunct to building operations or disposal of refuse or debris on any lands which have been designated for that purpose by the City.
- 3) Despite Section 2, nothing in this by-law shall be deemed to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, from carrying out a normal farm practice as defined by that Act.

OFFENCES AND PENALTIES

10.

- 1) Every person who contravenes any provision of this by-law is guilty of an offence as provided for in subsection 429(1) of the *Municipal Act, 2001*, and all such offences are designated as continuing offences as provided for in subsection 429(2)(a) of the *Municipal Act, 2001*.
- 2) A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)1. of the *Municipal Act, 2001*. (By-law No. 2013-383)

11.

When a person has been convicted of an offence under this by-law, the Superior Court of Justice or any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted, issue an order:

- a) prohibiting the continuation or repetition of the offence by the person convicted; and
- b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate. (By-law No. 2013-383)

SECTION 12 REPEALED BY BY-LAW 2013-383.

REPEALS

13.

The following by-laws or portions of by-laws of the old municipalities are repealed:

- a) By-law Number 49 of 1991 of the old Corporation of the City of Gloucester entitled "A by-law concerning waste and debris and the filling, draining, cleaning and clearing of grounds, yards and vacant lots";
- b) By-law No. 82-88 of the old Corporation of the City of Cumberland entitled "Being a by-law of the Corporation of the Township of Cumberland requiring properties

and streets to be maintained in a safe condition and kept clear of waste”, as amended;

- c) By-law No. 1739 of the old Corporation of the City of Vanier entitled “Being a by-law requiring buildings and yards to be put in a safe condition, requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yards and vacant lots, and prohibiting the use of land for the dumping or disposal of garbage, refuse or domestic or industrial waste”;
- d) By-law Number 76-14 of the old Corporation of the Village of Rockcliffe Park entitled “A by-law of the Corporation of the Village of Rockcliffe Park requiring buildings and yards to be put in a safe condition”;
- e) By-law No. 106/75 of the old Corporation of the Township of Rideau entitled “Being a by-law to require the filling up, draining, cleaning and clearing of any grounds, yards and vacant lots”;
- f) By-law 98-93 of the old Corporation of the City of Kanata entitled “Being a by-law of the Corporation of the City of Kanata requiring yards to be put in a safe condition requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yards, and vacant lots and prohibiting the use of land for the dumping or disposal of garbage refuse or domestic or industrial waste and to prohibit littering of private and Corporation property”;
- g) By-law No. 37 of 1990 of the old Corporation of the Township of West Carleton entitled “Being a by-law of The Corporation of the Township of West Carleton requiring maintenance to properties”;
- h) By-law Number 297-99 of the old Corporation of the City of Ottawa entitled “A by-law of The Corporation of the City of Ottawa requiring buildings and yards to be put in a safe condition, requiring and regulating the filling up, draining, cleaning and clearing of any grounds, yard and vacant lots, and prohibiting the use of land for the dumping or disposal of garbage refuse or domestic or industrial waste”.

SHORT TITLE

13.

This by-law may be referred to as the “Property Maintenance By-law”.

EFFECTIVE DATE

14.

The by-law shall come into force and effect on the 1st day of June, 2005.

ENACTED AND PASSED this 11th day of May, 2005.

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A by-law of the City of Ottawa respecting refuse or debris, clearing and cleaning of land and snow and ice removal.

Enacted by City Council at its meeting of May 11, 2005.

LEGAL SERVICES

AMP:

COUNCIL AUTHORITY:

City Council April 27, 2005

EPSC Report 11, Item 2