

The Corporation of the City of Richmond Hill

By-Law xx-24

A By-Law to prescribe standards for the maintenance of exterior Property within the City of Richmond Hill.

Whereas Section 11(2) 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Municipal Act") provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its persons;

And Whereas Section 8 of the Municipal Act provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate, and to enhance the municipality's ability to respond to municipal issues;

And Whereas Section 127 of the Municipal Act provides that a municipality may require the Owners or Occupants of land to clean and clear the land, not including buildings, or to clear Refuse or debris from the land;

And Whereas Section 128 of the Municipal Act 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 Whereas subsection 398(1) of the Municipal Act states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

And Whereas Section 429(1) of the Municipal Act, 2001 provides that a municipality may establish a system of fines for an offence under a by-law passed under the Act, and Section 434.1 provides for the establishment of Administrative Penalties, if the municipality is satisfied that a Person has failed to comply with a by-law of the municipality passed under the Act;

And Whereas, it is the opinion of the Council of The Corporation of the City of Richmond Hill that vacant buildings not secured against unauthorized entry may create a Health and Safety Risk by attracting vandals and creating fire and safety hazards, and it is the desire of the Council of The Corporation of the City of Richmond Hill to regulate vacant buildings;

Now Therefore The Council Of The Corporation Of The City Of Richmond Hill Enacts As Follows:

1. That this By-law No. XX-24 be effective upon enactment.

Passed this xx day of xxx, 2024.

David West

Mayor

Stephen M.A. Huycke

City Clerk

ARTICLE 1 – Interpretation

1.1 Short Title

This By-law may be referred to as the "Clean Neighbourhoods By-law".

1.2 Definitions

In this by-law, the following words shall have the following meanings:

“Administrative Penalty By-law” means the Corporation’s Administrative Penalty By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties;

“Animal” means all species of fauna excluding humans, aquatic invertebrates and domesticated animals;

“Appliances” means refrigerators, stoves, freezers, washing machines, dryers, dishwashers, furnaces, hot water tanks, metal sinks and bathtubs, pool heaters, air conditioning units, metal water softeners, dehumidifiers, water heaters and in operative barbecues and/or any other items which may be designated Appliances by the Commissioner from time to time;

“Building” means a Structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including plumbing, works, fixtures and service systems.

“By-product” means an incidental product or side effect of any activity, such as construction, excavation, sanding, or cutting and includes but is not limited to dust, debris, run off, sediment, splatter, or over spray.

“Commissioner” means the Commissioner of Community Services of the Corporation or a successor office as the case may be;

“Composter” means the holding unit, used to contain organic material for composting;

“Corporation” means the Corporation of the City of Richmond Hill;

“Council” means the Council of the Corporation;

“Graffiti” means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a structure or thing, howsoever made or otherwise affixed on the structure or thing, but for greater certainty, does not include:

- a) a sign, public notice, or traffic control mark authorized by the Corporation;
- b) a sign authorized pursuant to a permit issued under the Corporation Sign By-law;
- c) a sign, public notice, or traffic control mark authorized by regional, provincial, or federal law;
- d) an art mural authorized pursuant to a permit issued under the Corporation Sign By-law;

“Health and Safety Risk” means any activity or condition that is likely to cause an adverse effect to a Person’s health, safety or damages to a neighbouring Property.

“Heritage Property” means a Property that has been designated under Section 29 or Section 34.5 of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended or Property that is located within an area that has been designated under section

41 of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended, as heritage conservation district.

“Highway” means any Public Property that constitutes a highway under Section 26 of the Municipal Act;

“Injurious Insects” means any insect that has or that is likely to have an adverse effect on the health of any person, or any insect that is capable of causing structural damage to a Building or Structure, including termites and carpenter ants;

“Inoperable Vehicle” includes, but is not limited to, a motor vehicle that:

- a) is inoperable by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation;
- b) is not in a roadworthy condition;
- c) is in a state of disrepair or is unsightly by reason of missing doors, glass or other body parts;
- d) is inoperable and appears incapable of use as a means of lawful transportation; or
- e) does not have affixed to it a valid licence plate issued by the Ministry of Transportation.

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended

“Municipal By-law Enforcement Officer” means an individual appointed for the purpose of enforcing the provisions of this By-law;

“Noxious Weed” means a plant that is deemed to be a noxious weed under subsection 10 (2) or designated as a noxious weed under clause 24 (a) of the Weed Control Act, R.S.O. 1990, c. W.5;

“Occupant” means any Person or Persons over the age of eighteen (18) years occupying a Property;

“Owner” includes:

- a) The registered Owner of the Property, or
- b) The Person for the time being managing or receiving the rent of the Property, whether on the Person’s own account or as agent or trustee of any Person, or who would receive the rent if the Property were let; and,
- c) A lessee or Occupant of the Property who, under the terms of a lease, is required to repair and maintain the Property in accordance with the standards for the maintenance and occupancy of Property as set out in this by-law; or
- d) A Person in immediate care and control of the property.

“Penalty Notice” means a notice given to a Person pursuant to Part 4 of the City’s Administrative Penalty Bylaw as amended

“Person” means an individual, association, organization, corporation, or partnership and includes an agent or employee of any of them;

“Portable Toilet” means a portable latrine in which the receptacle for human body waste and the superstructure are combined structurally into one unit, and includes any type of toilet that is placed for temporary purposes and can be relocated.

“Public Property” means Property that is owned by the Corporation,

“Property” means all Property, premises, grounds and Yards, including a Building or Structure, within the geographic boundaries of the City of Richmond Hill;

“Refuse” means any item that:

- a) Has been cast aside, discarded or abandoned, whether of any value or not;
- b) Has been used up, in whole or in part, whether of any value or not;

c) Has been expended or worn out, in whole or in part, whether of any value or not;

d) Has become dilapidated to the point it can no longer be used properly for its intended use;

“Splash Pad” means a cast-in-place or precast concrete pad designed to convey and dissipate roof run-off or weeping tile water away from a Building or Structure.

“Structure” means anything manufactured, built, constructed, or erected which is joined together by parts and rests on or is supported by the land and shall include landscaping made of natural elements such as stone, rock, or similar hard material;

“Unsightly Condition” means a generally unorganized condition that lacks general maintenance and upkeep, or an excessive or unreasonable accumulation of items or materials;

“Vacant Building” means any Building or Structure that is not occupied and that, by reason of its unfinished or dilapidated condition, is open to the elements or is in a state such that there is no control over unauthorized entry to the Building or Structure;

“Work Order” means an order requiring an Owner to do work to correct a contravention of this By-law;

“Yard” means any hard or softscaped open, uncovered, unoccupied space, of a Property;

1.3 Intent

1. This By-law provides minimum maintenance standards for Properties located within the City of Richmond Hill to mitigate Health and Safety Risks, maintain a visually appealing community, promote the general enjoyment and harmony of our neighbourhoods, and protect our natural environment and wildlife.

ARTICLE 2 – Application

2.1 Application of Standards

1. This By-law applies to all Properties within the City of Richmond Hill.
2. The Owner of a Property, which does not conform to the standards prescribed in this By-law shall clean and clear the Property of any condition in contravention of this By-law and maintain the Property to conform to the standards prescribed.

2.2 Administration of By-law by Commissioner

1. The Commissioner is responsible for the administration of this By-law and may designate any employee or officer of the Corporation to exercise any power or perform any duty in connection with such administration.

ARTICLE 3 – Prohibitions

3.1 Property and Yard Maintenance

1. Every Owner of Property shall maintain every Yard in a clean manner free from any Health and Safety Risk or any Unsightly Condition.
2. Every Property, Yard and shall be kept clear of:
 - a) Refuse, rubbish, garbage, brush, waste, litter, debris, downed branches;

- b) Injurious Insects, including and not limited to termites, rodents, vermin and other pests, or the harboring there of;
- c) Overgrown ground cover, hedges and bushes, which create an Unsightly Condition;
- d) Excessive accumulations of dirt, gravel, stone, landscaping materials, or other similar materials unless such materials are required for a business being lawfully conducted on the Property;
- e) Unprotected wells, holes, cavities or excavations over one metre in depth
- f) Machinery or parts thereof, or other objects or parts thereof;
- g) Accumulations of building materials, unless the materials are being actively used for construction or repair;
- h) All furniture used for exterior use that becomes dilapidated; and
- i) All Appliances and furniture for interior use;

3.2 Noxious Weeds

1. All Yards shall be kept clear and free from Noxious Weeds;
 - a) All cuttings and seeds of Noxious Weeds shall be removed and disposed of in an appropriate manner to reasonably prevent the spread and regrowth of such Noxious Weeds.

3.3 Compost

1. Notwithstanding sections 3.3.1 and 3.3.2, every Owner who composts shall:
 - a) only compost in a rear Yard;
 - b) only compost within a Composter;
 - c) place a Composter a minimum of 0.5 metres from any Property line;
 - d) use a Composter no larger than 0.35 cubic metres;
 - e) ensure the Composter is covered at all times with a lid which fits securely;
2. No Owner shall permit:
 - a) a compost container to emit excessive odours;
 - b) food waste to be placed in a Composter with the exception of fruits, vegetables, eggshells, tea leaves and bags, coffee grinds and filters;
 - c) feces, bones, meat, fish, dairy, oil or other fat products to be added to a Composter.

3.4 Portable Toilets

1. Portable Toilets must be a minimum of 1 metre from a Property line;
2. Portable Toilets shall be serviced, cleaned, and sanitized as frequently as necessary to maintain them in a clean, sanitary condition, and prevent odours.

3.5 Stagnant Water and Drainage

1. No Owner shall permit:
 - a) a swimming pool, swimming pool cover, wading pool, hot tub, fountain, or artificial pond located on a Property to contain stagnant water; or
 - b) stagnant water to accumulate in any material capable of holding water, including but not limited to tires, cars, boats, garden fixtures and containers of any kind.
 - c) accumulation of water in a rain barrel, or similar container unless such container is protected by screening or netting.

2. No Owner shall permit drainage from a roof and sump pump to cause excessive ponding, erosion, or the entrance of water into a Structure.
3. No Owner shall permit sump pump or roof drainage water run-off to cross over walkways, sidewalks, driveways, or any Property line.
4. No Owner shall permit roof drainage to be discharged less than 1 metre from a Property line without the use of a Splash Pad, and the Splash Pad should be directed to disperse water away from adjacent Property.

3.6 Refuse Storage and Containers

1. Every Owner shall maintain all exterior Refuse containers:
 - a) free from loose litter and debris;
 - b) in a reasonably clean and sanitary manner so as not to create any unreasonable odour;
 - c) screened from a public highway, street, walkway, park or other Public Property, so as not to be reasonably visible from such locations;
 - d) with a tightly fitting lid, so as not to attract rodents, vermin and other pests.

3.7 Vacant Properties

1. Where any Property is vacant, the Owner or his or her agent shall protect every such Property against the risk of fire, accident or other Health and Safety Risk and prevent an Unsightly Condition and ensure on-going maintenance of the Property in accordance with the provisions of this By-law.
2. Where the Property is a Vacant Building, every Owner shall ensure all entrances are closed and locked to prevent the entry of unauthorized a Person(s) or Animals.
3. Where a Vacant Building referred to in section 3.7.2 cannot be adequately secured by way of locking the entrances. The Owner of the Vacant Building shall board up the Vacant Building to the satisfaction of the Municipal By-law Enforcement Officer by covering all openings with plywood or other similar suitable material that will withstand the weather and is securely fastened to, and flush with, the abutting edge of the wall.
4. Where any Property is vacant, the Owner may be required to provide and maintain an effective deterrent to prevent trespassing, and the dumping, placing or depositing any Refuse or debris of any kind onto the Property. Examples of effective deterrents include a fence, security cameras, lighting, and landscaping materials.
5. Where a Building remains vacant for a period of more than ninety (90) days, the Owner, shall ensure that all utilities serving the Building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the Building or adjacent Property, unless such utilities are necessary for the safety or security of the Building.

3.8 Wildlife Feeding

1. No Person shall intentionally feed a wild Animal or leave food or attractants of any type outdoors in such a manner as to attract or be accessible by a wild Animal, on private or Public Property. "Food" in this section does not include food growing in a vegetable, herb or other garden.
2. Section 3.8.1 does not apply to the feeding of songbirds or hummingbirds on a Property, provided the following feeding requirements are met:
 - a) bird feed is placed in a bird feeding device that is self-supporting and

- sufficiently above grade as to not attract or be accessible by wild Animals;
- b) bird feeding practices do not attract large flocks of birds such as wild, feral or domestic pigeons; and
- c) spillage of bird feed upon the ground is removed by the Property Owner or Occupant forthwith and disposed of in such a manner that it does not attract wild, feral or stray Animals.

3.9 Graffiti

1. No Person shall place, cause or permit Graffiti to be placed on a Property.
2. Every Owner shall keep their Property and any Structure or object on their Property free of Graffiti.
3. Every Owner shall immediately clean the exterior of any Building, Structure or object on their Property of Graffiti.

3.9 Dumping and Litter

1. No Person shall throw, place, dump or deposit Refuse on any Property, including vacant Property. This section shall not apply to a Property where the use has been specifically permitted under the Zoning By-laws.
2. The Owner of Property where Refuse has been thrown, placed, dumped or deposited shall immediately remove the Refuse from the Property.
3. Where proper mitigation has not been put in place, no Person shall permit or cause any By-product to migrate to an adjacent Property, or over any Property lines.

3.10 Inoperable Vehicle

1. Unless stored within a fully enclosed garage, no Owner shall cause or permit the storage of an Inoperable Vehicle or parts thereof on their Property, including for the purpose of wrecking or dismantling it or salvaging parts from it for sale or other disposition.
2. Sections 3.10.1 shall not apply to a Property where the use has been specifically permitted under the Zoning By-laws.

ARTICLE 4 – Work Orders and Remediation

4.1 Work Order

1. Where a Property is in contravention with any of the provisions of this By-law, a Municipal By-law Enforcement Officer may issue a Work Order to the Owner or Occupant of the Property to discontinue the contravention and bring the non-conforming Property into conformity.

4.2 Contents of Work Order

1. The Work Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the Work Order. The Work Order may also provide that if the Owner fails to correct the contravention, the Corporation may perform the work to correct the contravention, at the expense of the Owner.

4.3 Service of Work Order

1. A Work Order may be served by:
 - a) personal service upon an Owner or Occupant;
 - b) mail sent to the last known address of the Owner or Occupant, or as shown on the most recent records of the Corporation;

- c) by email to the last known email address of the Owner or Occupant; or
- d) prominently posting a copy of the Work Order either:
 - i. on the Property in respect of which the Work Order is made; or
 - ii. on any Structure on the Property.

4.4 Deemed Receipt of Order

1. A Work Order is deemed to be received by an Owner or Occupant:
 - a) in the case of personal service as in section 4.3.1 a) or posting as in section 4.3.1 d), immediately upon such personal services or posting;
 - b) in the case of email, the service shall be deemed to have been made on the day of sending unless, the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; and;
 - c) in the case of mail, on the 5th day after it is mailed.

4.5 Owner to Comply

1. An Owner or Occupant who has been served with a Work Order shall comply with the requirements of the Work Order.

4.6 Failure to Comply – Remedial Work Done by Corporation

1. If an Owner in receipt of a Work Order fails to correct the contravention referred to in the Work Order by the date specified in the Work Order, the Corporation, in addition to all other remedies it may have, may enter onto the Owner's Property to do all work necessary to correct the contravention.

4.7 Exercise of Remedial Work

1. The Corporation's power to undertake remedial work to correct a contravention may be exercised by the Commissioner, or any Person under their direction.

4.8 Recovery of Corporation's Costs of the Work

1. The Corporation's actual costs incurred in conducting the work described in section 4.7.1, including any administration fees as set out in the City's Tariff of Fees By-law, shall be deemed to be a debt to the Corporation and may be collected by action or added to the tax roll and collected in the same manner as municipal taxes.

4.9 Municipal Liability

1. No proceeding for damages or otherwise shall be commenced against a member of council or a Municipal By-law Enforcement Officer, employee or agent of the Corporation or a Person acting under the instructions of a Municipal By-law Enforcement Officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

ARTICLE 5 – Inspection

5.1 Municipal By-law Enforcement Officers

1. A Municipal By-law Enforcement Officer is authorized to enforce the provisions of this By-law and for the purpose of such enforcement may exercise any of the powers and perform any of the duties set out in this By-law.

5.2 Powers of Entry

1. A Municipal By-law Enforcement Officer may enter on a property within the City at any reasonable time with proper identification for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) the provisions of this By-law;
 - b) a Work Order issued under this By-law; or
 - c) carry out remedial actions required in a Work Order that has not been complied with.

5.3 Powers of Inspection

1. For the purposes of an inspection carried out pursuant to section 5.2.1, a Municipal By-law Enforcement Officer may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection; and
 - d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

5.4 Inspection Pursuant to Court Order

1. A Municipal By-law Enforcement Officer may undertake an inspection pursuant to a Court order issued under s 438 of the *Municipal Act, 2001*.

5.5 Fee for Inspection

1. The Corporation may charge the Owner of a Property a fee or charge pursuant to the Tariff of Fees By-law to conduct an inspection, including additional fees for multiple inspections.

5.6 Hindering or Obstructing

1. No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal By-law Enforcement Officer, or any Person under their direction, who is exercising a power or performing a duty under this By-law.

ARTICLE 6 – Offences

6.1 Offence

1. Every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine or penalty in accordance with section 429 of the Municipal Act, 2001, S.O. c.25.

6.2 Identification

1. Where a Municipal By-law Enforcement Officer authorized to enforce this By-law has reasonable grounds to believe that an offence has been committed under this By-law, the Municipal By-law Enforcement Officer may require the name, address and proof of identity of that Person, and the Person shall supply the required information.

6.3 Continuing Offence

1. Where a Property is found to have been in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the

provision shall be deemed to be a continuing offence for each day that the contravention remains uncorrected.

6.4 Non-Compliance with Work Order

1. If a Work Order has been issued under this by-law, and the Work Order has not been complied with, the contravention of the Work Order shall be deemed to be a continuing offence for each day that the Work Order is not complied with.

6.5 Administrative Penalties

1. In lieu of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, a Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person(s) who has contravened this By-law in accordance with the service requirements of the Corporation's Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a Person(s) for the breach, no charge shall be laid against that same Person(s) for the same breach.
2. A Person served with a Penalty Notice shall be liable to pay to the Corporation an administrative penalty in the amount specified in Schedule "A" of the Administrative Penalty By-law. An administrative penalty for a contravention of this By-law that is not paid within 15 days after the day it becomes due and payable, shall be subject to administrative fees as set out in the City's Tariff of Fees By-law and shall constitute a debt of the Person to the Corporation, and may be added to a municipal tax roll and collected in the same manner as municipal taxes for which all Owners are responsible to pay.

6.6 Procedures

1. A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

6.7 Severability

1. In the event that any particular provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

6.8 Repeal of By-laws

1. Anti-Graffiti By-law No. 69-07, as amended, Building Boarding By-law No. 92-92, as amended, and Abandoned Appliances By-law No.136-75, as amended are hereby repealed.