

PROPERTY MAINTENANCE

Chapter 650 LOT MAINTENANCE

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**Article 1
INTERPRETATION**

650.1.1 Repealed: By-law 95-97

650.1.2 City - defined

"City" means The Corporation of the City of Kitchener. By-law 89-62, 24 April, 1989.

650.1.3 Composting - defined

"composting" means the natural decomposition of organic materials to produce humus in a compost container, pile, or digester. By-law 94-162, 26 September, 1994.

650.1.4 Discarded motor vehicle - defined

"discarded motor vehicle" means a vehicle which is unlicensed and/or a vehicle which is in disrepair, having missing parts, including tires, or damaged or missing glass, or deteriorated or removed metal adjunctions which make its normal use impossible.

650.1.5 Domestic waste - defined

“domestic waste” means any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and, for greater certainty but not so as to restrict the generality of the foregoing, may include:

- (a) all kitchen and table waste, of animal or vegetable origin, resulting from the preparation or consumption of food;
- (b) grass clippings, tree and garden cuttings, brush and leaves;
- (c) paper, cardboard, clothing;
- (d) recyclable waste;
- (e) cans, glass, plastic containers, dishes;
- (f) garbage or refuse of a domestic nature.

650.1.6 Land - defined

“land” includes grounds, yards and vacant lots.

650.1.7 Owner - defined

“owner” means an occupant, owner or agent thereof.

650.1.8 Person - defined

“person” means and includes a corporation and a partnership and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to law.

650.1.9 Region - defined

“Region” means The Regional Municipality of Waterloo. By-law 89-62, 24 April, 1989.

650.1.10 Unlicensed - defined

“unlicensed” means the lack of a currently validated permit for the vehicle affixed to a number plate displayed on a motor vehicle within the meaning of the *Highway Traffic Act*, as amended.

650.1.11 Waste material - defined

“waste material” means any garbage, refuse, debris, litter, domestic waste and, for greater certainty but not so as to restrict the generality of the foregoing includes, whether of any value or not, the following:

- (a) weighty or bulky materials such as stoves, refrigerators and other such appliances, furniture, furnace parts, pipes, water or fuel tanks;
- (b) discarded motor vehicles, automotive parts, vehicle parts and accessories, mechanical equipment, mechanical parts, un-

mounted tires, tires mounted on rims and mechanical equipment;

- (c) broken concrete, broken asphalt, patio/sidewalk slabs, bricks, interlocking bricks, unused building materials, pallets;
- (d) material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure. By-law 90-95, 11 June, 1990.

650.1.12 Yard waste - defined

“yard waste” means grass clippings, tree and garden cuttings, brush and leaves.

650.1.13 Municipal Law Enforcement Officer - defined

“Municipal Law Enforcement Officer” means a person appointed by Council to administer and enforce this Chapter. By-law 94-162, 26 September, 1994.

650.1.14 Grass - defined

“grass” includes, but is not limited to, species commonly known as Bluegrasses, Fescue grasses, Ryegrasses and Bentgrasses. By-law 2001-100, 22 May, 2001.

Article 2

REQUIREMENTS - LAND

650.2.1 Land - filled - drained - clean - cleared

Every owner of land shall keep the land filled up, drained, clean and cleared. By-law 89-62, 24 April, 1989.

650.2.2 Excavation - filled - unless enclosed

Every owner of land shall fill in any excavation on the land unless it is enclosed completely by a barrier. By-law 89-62, 24 April, 1989; By-law 91-150, 25 March, 1991.

650.2.3 Active construction - exception

Section 650.2.2 does not apply to work which is actively proceeding under a construction or building permit.

650.2.4 Land drained - maximum depth - exception

Every owner of land shall drain the land where water has accumulated to a depth exceeding one foot at any point unless the area is enclosed by a barrier or such water constitutes a storm water management pond approved by the City. This Section does not apply with respect to swimming pools in compliance with City of Kitchener By-law 88-5, [Kitchener Municipal Code, Chapter 630] or any successor thereof, or permanent natural bodies of water.

650.2.5 Barrier - minimum requirements

For the purposes of this Article a barrier shall be at least five (5) feet high, sufficient to make such excavation or accumulation of water inaccessible to small children, notwithstanding the City of Kitchener By-law 88-5, [Kitchener Municipal Code, Chapter 630] or any successor thereof.

650.2.6 Cleared - defined

For the purpose of Section 650.2.1, "cleared" includes the removal of weeds or grass more than eight inches in height. By-law 89-62, 24 April, 1989.

Article 3**STORING - DISPOSING - WASTE MATERIAL****650.3.1 Waste material - throwing - dumping - prohibited**

No person shall throw, place, dump or deposit waste material on private property and the property of the City and any local board thereof, without the written authority of the owner. By-law 94-162, 26 September, 1994.

650.3.1.1 Waste material - dumping - written authority required

No person shall permit any person to throw, place, dump or deposit waste material on private property and the property of the City and any local board thereof, without the written authority of the owner. By-law 2001-19, 29 January, 2001.

650.3.2 Waste material - land - kept clear of

Every owner of land shall keep the land free and clear of all waste material of any kind.

650.3.3 Land - structure - use - for dumping - prohibited

No person shall use any land or structure within the City for dumping or disposing of waste material of any kind. By-law 89-62, 24 April, 1989.

650.3.4 Exceptions - designated land - outdoor storage

Sections 650.3.2 and 650.3.3 do not apply to:

- (a) land or structures operated by the Region for the purpose of dumping or disposing of waste material;
- (b) land or structures designated by by-law of the City or the Region for the purpose of dumping or disposing of waste material. By-law 97-94, 3 June, 1997.

650.3.5 Collectable refuse - regular collection

Notwithstanding Section 650.3.2, nothing prohibits an owner from the storing of collectable refuse as defined by City of Kitchener By-law 87-237, [Kitchener Municipal Code, Chapter 635] or any successor thereof, in containers prescribed thereby pending regular collection.

650.3.6 Containers - maintained - sanitary condition

Every owner shall provide, use and maintain in good repair and sanitary condition, a sufficient number of prescribed containers as required by City of Kitchener By-law 87-237, [Kitchener Municipal Code, Chapter 635] or any successor thereof, for the purpose of storing and disposing collectable refuse, as defined thereby, pending regular collection. By-law 89-62, 24 April, 1989.

650.3.7 Containers - covered - at all times

Every owner shall keep each external garbage container used for the storing and disposing of domestic waste covered tightly at all times except when the garbage container is being filled or emptied.

650.3.8 External garbage enclosure - maintenance

Every owner shall maintain each external garbage enclosure and/or external garbage container in a clean and sanitary condition and in good repair. By-law 91-150, 25 March, 1991.

650.3.9 Motor vehicles - storing - salvaging - prohibited

No person shall use any land or structure in the City of Kitchener for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal, except as provided in Regional Municipality of Waterloo Consolidated By-law 31-75, as amended, or any successor thereof. By-law 89-62, 24 April, 1989.

650.3.10 Composting - requirements - restrictions

All composting shall be carried out by the owner of the land in accordance with the following requirements:

- (a) composting shall take place only in a container, pile or digester and only on land on which a dwelling unit is located;
- (b) composting shall take place to the rear of the building line of the land and shall be located at least one metre from any property line and at least four metres from any dwelling unit, deck, patio or outdoor living area associated with an adjacent property;
- (c) a compost container and digester used for composting shall be kept covered tightly at all times except when being emptied or filled;
- (d) a compost container, pile or digester used for composting shall not exceed two cubic metres in size;
- (e) for multiple residential dwellings containing more than six dwelling units, composting in a pile is prohibited;
- (f) only yard waste shall be placed in a pile for composting;

- (g) no human feces or other animal feces shall be placed in a compost container or digester used for composting;
- (h) no offensive odour shall be permitted to emanate from the compost container, pile or digester used for composting;
- (i) organic materials placed in a compost container shall be kept covered with yard waste, soil or humus;
- (j) composting shall be maintained so as to not attract insects, vermin or animals; and
- (k) bones, meat, fish, dairy and fat products shall not be added to a compost container but may be placed in a digester.

650.3.11 Composting - residential property - exception

Sections 650.3.2 and 650.3.3 do not apply to the carrying on of composting at a residential property by the owner of such land, provided that such composting is carried out in accordance with the requirements of Section 650.3.10. By-law 94-162, 26 September, 1994.

**Article 4
ADMINISTRATION**

650.4.1 Director of Enforcement

The Director of Enforcement shall be responsible for the administration and enforcement of this Chapter. By-law 94-162, 26 September, 1994; By-law 95-97, 19 June, 1995; By-law 98-72, 15 June, 1998; By-law 2001-242, 10 December, 2001.

650.4.2 Inspection - reasonable times - ensuring compliance

For the purpose of ensuring compliance with the provisions of this Chapter, the Director of Enforcement, a Municipal Law Enforcement Officer, the Deputy CAO, Infrastructure Services, the City's Landscape Architect, the Regional Medical Officer of Health, Regional Health Inspectors, the Chief Fire Prevention Officer and any Fire Prevention Officer or any other person acting under the instructions of the Director of Building may, at all reasonable times, enter upon and inspect any land or structures where waste material or composting is located or kept. By-law 95-97, 19 June, 1995. By-law 97-140, 15 September, 1997; By-law 98-72, 15 June, 1998; By-law 2001-242, 10 December, 2001; By-law 2011-047, 28 March, 2011.

**Article 5
ENFORCEMENT**

650.5.1 Owner - occupant - agent - duty

Every occupant, owner of land and agent of an owner of land is jointly and severally liable to ensure that the standards prescribed by this Chapter are met. By-law 89-62, 24 April, 1989.

650.5.2 Non-compliance - work completed - owner's expense

Where anything required to be done in accordance with this Chapter is not done by the person directed or required to do it, Council directs that the matter or thing may be done under the direction of the Municipal Law Enforcement Officer at the owner's expense, and the City may recover the expense incurred in doing it by action or the expense may be recovered in like manner as municipal taxes. By-law 2002-62, 18 March, 2002.

650.5.3 Fine - for contravention

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable upon conviction to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs for each offence, recoverable under the *Provincial Offences Act*. By-law 89-62, 24 April, 1989; By-law 91-150, 25 March, 1991.

**Article 6
SEVERABILITY**

650.6.1 Severability

It is hereby declared that each and every of the foregoing provisions of this Chapter is severable and that if any provisions of this Chapter should, for any reason, be declared, invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

**Article 7
REPEAL - ENACTMENT**

650.7.1 Dumping - previous - by-law - Chapter

By-law 81-66-P and the contents of Chapter 627 are hereby repealed.

650.7.2 Lot clearing - previous - by-law - Chapter

By-law 73-24-P as amended by By-laws 73-93-P and 88-217 and the contents of Chapter 650 are hereby repealed. By-law 89-62, 24 April, 1989.