

# The Corporation of the City of Belleville

## By-law Number 2025-117

### A By-law Respecting Litter and Land Maintenance And to Repeal By-law Numbers 2011-206 and 2014-120

#### (Land Maintenance By-law)

**Whereas** Section 127 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a local municipality may require an 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; to regulate when and how such matters be done; to prohibit depositing of refuse or debris on land without the consent of the owner or occupant of the land; and to define refuse;

**And Whereas** Section 128 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters, that, in the opinion of Council, are or could become public nuisances;

**And Whereas Section** 131 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may prohibit and regulate the use of any land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

**And Whereas** Section 10 (2) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws respecting health, safety, and the well being of Persons;

**And Whereas** Section 429 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may establish a system of fines for offences under a by-law;

**And Whereas** Section 425 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws providing that a Person who contravenes a by-law of the municipality passed under the Municipal Act is guilty of an offence;

**And Whereas** Section 446 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that where a municipality has authority under the Municipal Act or any other Act or under a by-law made under the Municipal Act or any other Act to direct or require a Person to do a matter or thing, the municipality may also provide that in default of it being done by the Person directed to do it, the matter or thing shall be done at the Person's expense and the municipality may recover the expense incurred by action or adding the cost to the tax roll and collecting them in the same manner as property taxes;

**Now Therefore** the Council of The Corporation of the City of Belleville hereby enacts as follows:

## 1. Definitions

- 1.1. **Clean** shall mean the removal and proper disposal of debris and refuse from any property within the boundaries of the City of Belleville.
- 1.2. **Corner Sight Triangle** shall mean triangular area formed by the boundaries of the lot common with the street line and a straight line connecting the points on each of those lines measured 6.0metres from where they intersect.
- 1.3. **Council** shall mean the Municipal Council of the City of Belleville
- 1.4. **Debris** shall mean any item, article, thing, matter, substance or effluent that has been cast aside, discarded, abandoned or is used up in whole or in part, or expended or worn out in whole or in part; or appears to be worthless, or useless or of no practical value but including, but not limited to, materials described in Schedule 'A' to this By-law, and all similar or like materials.
- 1.5. **Inoperable Vehicle** shall mean any vehicle, including a trailer, that appears by reason of its appearance, mechanical condition, or lack of valid licence plates, to be inoperative. A vehicle is an inoperable vehicle if it bears licence plates that are not registered as being attached to that vehicle and/or the licence plate registration is not current and up to date, in accordance with the records of the Ministry of Transportation
- 1.6. **Domestic Waste** means any debris, refuse or rubbish, garbage, article, thing, matter or any effluent belonging to or associated with a residence, household or dwelling unit
- 1.7. **Grass** shall mean 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.
- 1.8. **Motor Vehicle** shall mean an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow vehicle, traction engine, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act, R.S.O 1990, c. H.8*, as amended.
- 1.9. **Naturalized Garden** shall mean an area dedicated to the intentional, deliberate and maintained plantings of North American species 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 Grass.
- 1.10. **Officer** shall mean a By-Law Enforcement Officer appointed by the City of Belleville, a Police Officer in the Province of Ontario or any Person as authorized by the Council of The Corporation of the City of Belleville for the enforcement of municipal By-laws.

- 1.11. **Occupant** shall mean any Person over the age of 18 years in control of the property.
- 1.12. **Owner** shall mean the Person or Persons appearing on the Municipal Tax Assessment Roll or property tax account and persons having lawful title to the land and includes "Person" as defined in this By-law.
- 1.13. **Person** shall mean any individual, association, firm, partnership, or incorporated company.
- 1.14. **Property** shall mean yards, vacant lands, or any part of a lot not occupied by a principal building, if any, and includes the space within or upon unenclosed decks, unenclosed porches, unenclosed carports and unenclosed accessory structures.
- 1.15. **Refuse** shall have the same meaning as Debris.

## **2. Land Maintenance**

- 2.1. Every Owner or Occupant shall keep their land free and clear of all Debris, Refuse or Domestic Waste of any kind.
- 2.2. Every Owner or Occupant shall keep their land free and clear of any conditions that might create a health, fire or accident hazard.
- 2.3. Every Owner or Occupant of any building or land may provide for the composting of plant matter on the land provided that the composting material is kept in a container that is secured on all sides so as to prevent the entry of rodents or other animals, covered with a tight fitting cover which shall be kept closed at all times except when material is being placed therein. The container for such composting shall be no greater than 1.82m in height and shall be kept 1m from all property lines.

## **3. Grass and Naturalized Gardens**

- 3.1. No Owner or Occupant of land shall permit grass to exceed 15cm in height.
- 3.2. No Owner or Occupant of land shall permit noxious weeds, as defined by the *Weed Control Act R.S.O. 1990, c. W.5*, as amended, on their land.
- 3.3. No Owner or Occupant shall permit Naturalized Gardens on their property to exceed 0.6m in height within any Corner Sight Triangle.
- 3.4. No Owner or Occupant of land shall fail to maintain a Naturalized Garden.
- 3.5. Every Owner or Occupant shall ensure that any Naturalized Garden on their property shall be kept 1m from all property lines.
- 3.6. Every Owner or Occupant of land shall keep vegetation trimmed and kept from overhanging public property to affect safety, visibility, or the passage of the general public.

#### **4. Standing Water**

- 4.1. Every Owner or Occupant shall keep their land free of standing water.
- 4.2. Every Owner or Occupant shall keep their land free of containers or debris capable of holding standing water in such a manner as to be exposed to the breeding of larvae and/or growth of insects.

#### **5. Inoperable Vehicles**

- 5.1. No Owner or Occupant of land shall use their land for the parking and/or storage of inoperable vehicles.
- 5.2. Despite Section 5.1 of this By-law, the Owner of land may park, place or store one (1) inoperable vehicle on the land for the purpose of repairing it for their own use, but not for commercial purposes, provided such repair is completed within thirty (30) days from the date on which the inoperable vehicle is first parked, placed or stored on the land.

#### **6. Litter**

- 6.1. No Person shall throw, dump, place, deposit or cause or permit to be thrown, dumped, placed or deposited debris or refuse on private property without the consent of the Owner of such property.
- 6.2. No Person shall throw, dump, place, deposit or cause or permit to be thrown, dumped, placed or deposited debris on City property without written consent from the City.
- 6.3. No Owner or Occupant of any property in the City of Belleville on which any debris of any kind has been or may hereafter be thrown, dumped, placed or deposited, shall fail to forthwith remove the same.
- 6.4. No Person shall place debris in a receptacle which is not owned by the City without the consent of the Owner of such receptacle.
- 6.5. No Person shall deliver, throw, drop or place cause, permit or allow the delivery, throwing, dropping or placing of any newspaper, magazine, flyer, leaflet or similar device if the Owner or Occupant has provided explicit direction not to do so.
- 6.6. Where debris is thrown, dumped, placed or deposited from a vehicle the registered owner of the vehicle shall be presumed to have been the person who threw, placed, dumped or deposited the debris, which presumption may be rebutted by evidence contrary on a balance of probabilities.
- 6.7. Where debris is thrown, dumped, placed, or deposited and the nature of the debris, any markings on the debris, or other evidence with respect to the debris, reasonably indicates its origin, the Owner of the property of the debris' origin shall be presumed to have been the person who threw, placed, dumped or deposited the debris, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

## **7. Exemptions**

- 7.1. Section 2.1 shall not apply to construction equipment and materials stored in an orderly manner on land where there is an active building permit issued for the construction of a building or structure on such land.
- 7.2. This By-law does not apply so as to prevent a farm operation or practice meeting the definition of “agricultural operation” and “normal farm practice” under the *Farming and Food Production Protection Act, 1998, SO 1998, c.1, as amended* from carrying out a normal farm practice as provided for and defined under that Act.
- 7.3. Section 3 of this By-law does not apply to property owned or leased by the City of Belleville or it’s agents.

## **8. Inspections**

- 8.1. An Officer may enter upon any land at any reasonable time to determine whether the land conforms with this By-law or to determine whether a direction, requirement or Order made under this By-law or an Order under Section 431 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, is being complied with.
- 8.2. For the purposes of an inspection under Section 8.1 of this By-law, an Officer may:
  - a. Require the production for inspection of documents or things that may be relevant to the land or any part thereof;
  - b. Inspect and remove documents or things relevant to the land or part thereof for the purpose of making copies or extracts;
  - c. Require information from any person concerning a matter related to the land or part thereof;
  - d. Be accompanied by a person who has special or expert knowledge in relation to the land or part thereof;
  - e. Alone or in conjunction with any person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 8.3. No Person shall hinder or obstruct or attempt to hinder or obstruct any Officer exercising a power or performing a duty under this By-law.
- 8.4. The City may charge the Owner of a property a fee or charge pursuant to the City’s current Fees & Charges By-law to conduct an inspection, including additional fees for multiple inspections.

## 9. Order to Comply

9.1. Where an Officer is satisfied that there has been a contravention of any provision of this By-law, the Officer may issue an Order requiring the owner or occupier of the premises on which the contravention has occurred to do work to correct the contravention.

9.2. An Order shall set out,

- a. Reasonable particulars of the contravention;
- b. The location of the premises on which the contravention occurred;
- c. The general nature of the work required to be done to correct the contravention; and
- d. The date by which the work must be done.

9.3. An Order may be served by:

- a. Personal service upon an Owner or Occupant;
- b. Regular or registered mail sent to the address of the owner as shown in the most current tax records;
- c. By email to the last known email address of the Owner or Occupant; or
- d. By posting a copy of the Order conspicuously either on the subject property or on any structure located on the subject property.

9.4. An Order issued under Section 9.1 of this By-law is deemed to be served:

- a. Immediately upon personal service of such Order; or
- b. On the 5<sup>th</sup> day after such Order has been mailed; or
- c. On the end of day such Order has been emailed; or
- d. Immediately upon the posting of such Order in a conspicuous place on the subject property or structure located on the subject property.

9.5. Where the Owner or Occupant fails to comply with an Order issued under this By-law the City, in addition to other remedies:

- a. Shall have the right to carry out the work as required in the Order and for this purpose may, with its servants and agents from time to time, enter in and upon the property;
- b. Shall have the right to recover the expense of carrying out the work as required in the Order by adding the expense to the tax roll and collecting such expense in the same manner as taxes; and

- c. Shall not be liable to compensate such Owner, Occupant or Other person having an interest in the property by reason of anything done by or on behalf of the City under the provisions of this By-law.

## **10. Enforcement and Penalties**

- 10.1. The provisions of this By-law may be enforced by an Officer.
- 10.2. Any person who contravenes an Order or fails to comply with an Order made under this By-law is guilty of an offence.
- 10.3. Any person who is in contravention of any provision of this By-law, or who contravenes an Order made under this By-law is deemed to be committing a continuing offence for each day that the contravention continues.
- 10.4. Any person who contravenes any provision of this By-law is liable to a fine or other penalty as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.

## **11. Validity**

- 11.1. Notwithstanding any section, subsections, clause, paragraph or provision of this By-law, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent therefrom and enacted as such as a whole. Same shall not affect the validity or enforceability of any other provisions of this By-law or of the By-law as a whole.
- 11.2. Where a provision of this By-law conflicts with the provision of another By-law, Act, or Regulation in force within the City of Belleville, the provisions that establish the higher standards to protect the health and safety of the persons shall prevail.

## **12. Transition**

- 12.1. After the date of passing of this By-law, By-law Nos. 2011-206 and 2014-120 shall apply only to those properties in which an Order has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order including any demolition, clearance, or repair carried out by the City shall have been concluded.

## **13. Short title**

- 13.1. This By-law shall be known as the "Land Maintenance By-law".

#### **14. Repeal and Enactment**

14.1. By-law 2025-117 will take effect on July 1, 2025, except for the purposes set out in Section 12.1 of this By-law, and will repeal By-law Numbers 2011-206 and 2014-120 in their entirety.

**By-law read and passed this 23<sup>rd</sup> day of June 2025.**

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**Neil R. Ellis, Mayor**

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**J. Douglas Irwin, Clerk**

**Schedule “A”  
to By-law Number 2025-117 for  
The Corporation of the City of Belleville**

- Household appliances such as stoves, refrigerators, freezers, washers, dryers, air conditioners, dishwashers, televisions sets and their component parts.
- Household furniture such as beds, bed springs, mattresses, tables, chairs and their component parts
- Empty barrels, boxes, water and fuel tanks.
- Motor vehicles, motorcycles, snowmobiles, bicycles, trailers, go-carts, boats, vessels or all-terrain vehicles which are in a wrecked, discarded, inoperative or dismantled condition, in whole or in part, and their component parts.
- Boulders, bricks, concrete, asphalt, glass, scrap wood, scrap metal, scrap wire, paint cans, cardboard, paper, plastics, packing foam, roofing shingles, or scrap construction materials.
- Discarded clothes, cloth or canvas.
- Fallen trees, tree stumps, branches, brush, leaves, bagged or piled grass and weeds, hedge cuttings, open compost piles, garden waste, snow and ice.
- Household garbage not set out for collection, beverage containers, fast food bags, containers, wrappings, animal carcasses, animal feces.
- Waste from demolished buildings, discarded signs, and discarded placards.
- Industrial, commercial or any other hazardous waste, liquid or solid.
- Excavated materials.