



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2019
SUBJECT/REPORT NO:	Amendments to Yard Maintenance By-law 10-118 to Include Inoperative Vehicles (PED19144) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the housekeeping changes to the City of Hamilton Yard Maintenance By-law 10-118 regarding the definitions for inoperative motor vehicles and urban boundary as described in Report PED19144, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED19144 which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

EXECUTIVE SUMMARY

By-law amendments are occasionally required to improve enforcement activities and update various by-laws as part of continuous improvement efforts for the most efficient and effective by-laws. Report PED19144 recommends amending the City of Hamilton Yard Maintenance By-law 10-118 (Yard Maintenance By-law) to:

- revise and improve the definition of inoperative vehicle; and,
- provide clarity to the meaning of "Urban Boundary";

The changes recommended in this Report are minor in nature, and do not depart from the general intent and purpose of Council as originally approved.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

N/A

HISTORICAL BACKGROUND

On May 28, 2010 City Council enacted the City of Hamilton Yard Maintenance By-law to regulate the outdoor maintenance of private property and repeal By-law 03-118. Since its passing, three amendments to the Yard Maintenance By-law were enacted for technical amendments as a matter of housekeeping.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001* authorizes municipalities to pass by-laws respecting the natural environment, protection of persons and property, and well-being of the inhabitants, and also authorizes municipalities to require the owner or occupant of land to clean and clear of land, not including buildings, and to clear refuse or debris from the land.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public, and the courts. In addition to continuous improvement efforts, by-laws require changes over time to align with changes to legislation, improved processes and to correct obsolete or imprecise language while maintaining the by-laws' original intent and their effectiveness.

Inoperative Vehicle

The definition of 'inoperative vehicle' in the current Yard Maintenance By-law is outdated and obsolete to the vehicle/permit holder regime under the Highway Traffic Act. The intent of the 'inoperative vehicle' provisions is to apply to all vehicles that are dismantled, broken or incomplete, decayed or dilapidated, whether or not they have a number plate with current validation. Staff propose the following amendment to the definition section that properly reflects the intended meaning of inoperative vehicles, and that includes a motorized snow vehicle which is not in the current by-law.

Urban Boundary

Section 3 of the City of Hamilton Yard Maintenance By-law requires property owners within the urban boundary to maintain overgrown vegetation in their yards. Subsection 2(1) of the By-law defines urban boundary to mean the urban boundary of the City as defined in the Official Plan(s) for the City. Although Rural Settlement Areas (RSA) are identified and delineated in the City's Rural Official Plan, the Yard Maintenance By-law does not precisely speak of the RSA in the definition of urban boundary, complicating public interpretation. Staff propose adding the term "Rural Settlement Areas" to the definition of urban boundary to clarify Council's intention that the RSA are included as being within the City's urban boundary.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Draft amendment to Yard Maintenance By-law 10-118

Appendix "B": Excerpts (proposed amendments noted) of the current Yard Maintenance By-law 10-118

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