

REPORT

Council

Meeting Date: June 17, 2024

FROM: Municipal Enforcement Services Department

DATE: June 4, 2024

SUBJECT: **Housekeeping Amendments to the Public Nuisance, Property Standards and Lot Maintenance By-laws**

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

1. That By-law 2024-072, a by-law to amend Public Nuisance By-law 2007-143 attached as Appendix A to the report from Municipal Enforcement Services dated June 4, 2024 be passed.
2. By-law 2024-073, a by-law to amend Property Standards By-law 2023-074, as amended, attached as Appendix B to the report from Municipal Enforcement Services dated June 4, 2024 be passed.
3. By-law 2024-074, a by-law to amend Lot Maintenance By-law 2023-075, as amended, attached as Appendix C to the report from Municipal Enforcement Services dated June 4, 2024 be passed.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The Public Nuisance By-law 2007-143 prohibits or regulates public nuisances, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors within the Town of Oakville.
- Property Standards By-law 2023-074 prescribes standards for the maintenance and occupancy of property within the Town of Oakville

- Lot Maintenance By-law 2023-075, as amended, regulates exterior property maintenance including vegetation, waste and graffiti.

It is recommended that regulations regarding lighting appear in only one by-law for clarity and for enforcement purposes. As such, staff is proposing a housekeeping amendment to Public Nuisance By-law 2007-143 to delete provisions for lighting as lighting is currently regulated under Property Standards By-law 2023-074. The Property Standards By-law will also be amended to include exemptions to its lighting requirements. These amendments are contained in Appendix A and Appendix B.

Staff is proposing various housekeeping amendments to Lot Maintenance By-law 2023-075, as set out in this report and Appendix C.

BACKGROUND:

Public Nuisance By-law

Subsection 128(1) of the Municipal Act gives local municipalities the authority to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances. Section 129 of the Municipal Act provides that local municipalities may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors, and may prohibit these matters unless a permit is obtained from the municipality for those matters.

The Property Standards By-law and Lot Maintenance By-law

The Property Standards and Lot Maintenance by-laws are two different sets of regulations that govern different aspects of property upkeep in the Town of Oakville. The Property Standards By-law refers to a set of regulations that determine the minimum requirements for the condition and maintenance of buildings and structures on private property. The Lot Maintenance By-law deals with the upkeep of the outdoor areas of private property and adjoining municipal boulevards.

COMMENT/OPTIONS:

Housekeeping Amendments to the Public Nuisance By-law and the Property Standards By-law

There are currently two by-laws that regulate lighting in Oakville; namely the Public Nuisance By-law and the Property Standards By-law.

The Public Nuisance By-law prohibits the broadcasting of light from a person's property to another property. The Property Standards By-law regulates outdoor

lighting and requires that lighting be placed or blocked so that it does not directly illuminate the interior of a dwelling unit on an adjoining property.

Staff is proposing to remove the lighting provisions contained in the Public Nuisance By-law and instead regulate lighting under Section 18 of the Property Standards By-law. Section 18 will be amended to provide an exemption for town lighting, school board lighting, lighting from other levels of government and lighting contemplated by site plan approvals, subdivision agreements or site alterations. Further, the regulations regarding sports field lighting that are currently included in the Public Nuisance By-law will also be captured under the lighting requirements of Section 18 of the Property Standards By-law. These amendments are included in Appendix A and Appendix B. Regulating lighting under the Property Standards By-law will ensure consistent provisions and will aid in the enforcement of lighting complaints.

Section 17 - Driveways, Ramps, Safe Passage of the Property Standards By-law currently requires that driveways, ramps, parking areas, paths, outside stairs and landings be surface treated with asphalt, concrete, interlocking brick, similar hardscaped surface, or other material sufficient to provide stability, prevent erosion, be usable in all seasons, and allow infiltration of surface water. Staff is proposing a housekeeping amendment to this section to delete the requirement that the treatment of these surfaces allow the infiltration of surface water as surfaces such as pavers, asphalt and concrete may not be permeable to water.

Section 60 - Appeals has been amended as requested by the Clerks Department, to further clarify the appeal process.

Housekeeping Amendments to the Lot Maintenance By-law

Staff is proposing the following housekeeping amendments to the Lot Maintenance By-law:

- Add a grandfathering provision to Section 4 - Naturalized Area. This amendment will permit naturalized areas that were installed on or before July 10, 2023 (the date the By-law came into force) to remain on the property as long as they are deliberately planted or cultivated in accordance with subsection 4(1)(a) and they are regularly monitored and maintained. A grandfathered naturalized area cannot be altered or expanded after July 10, 2023. If a grandfathered naturalized area is removed, any new naturalized area that is installed must comply with Section 4 of the By-law. Appendix D contains an excerpt of Section 4 of the By-law including the grandfathering provisions;
- Amend Section 5 – Property Maintenance by the addition of:

- subsection 5(4.1) which clarifies that a person is not to cut or remove trees planted on the adjoining boulevard under Municipal Tree By-law 2009-025; and
- Subsection 5(16) to prohibit the hanging of objects such as tarpaulins, canvass and plastic sheeting in trees or poles or similar support structures that may provide privacy screening or block the view of a neighbouring property;
- Amend subsection 14(1)(b) of Section 14 - Storage of Firewood to delete the requirement that firewood be stored at a height of not less than 15 cm above grade; and
- Amend subsection 15(1) of Section 15 – Site Plan Conditions Maintained by deleting the word “drainage” and substituting the word “lighting” as the enforcement of site plan conditions respecting drainage has significant impact on staff, legal and court resources.

The above noted amendments are included in Appendix C to this report.

CONSIDERATIONS:

(A) PUBLIC

Subject to Council’s approval, staff will communicate, promote and enforce the housekeeping amendments to the Public Nuisance By-law, Property Standards By-law and Lot Maintenance By-law.

(B) FINANCIAL

There are no significant financial impacts as a result of this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Municipal Enforcement Services, Legal, and Recreation and Culture have been involved in the review process for this report.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) of: Accountable Government

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A - By-law 2024-072, a by-law to amend Public Nuisance By-law 2007-143

Appendix B - By-law 2024-073, a by-law to amend Property Standards By-law 2023-074, as amended

Appendix C - By-law 2024-074, a by-law to amend Lot Maintenance By-law 2023-075, as amended

Appendix D - Excerpt from the Lot Maintenance By-law regarding the naturalized area amendment

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