

Municipality of Lakeshore

By-law 28-2021

Being a By-law to amend By-law 54-2018, a By-law to Provide for the Maintenance of Land in a Clean and Clear Condition

Whereas on June 12, 2018 Council passed By-law 54-2018 providing for the maintenance of land in a clean and clear condition pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25;

And whereas it is recommended to amend By-law 54-2018 to incorporate regulations to address stagnant water on pool covers, ponds or hot tubs as well as garbage cans, recycle bins and debris left on the road allowance or roadway, as described in the report by the Chief Building Official presented at the April 6, 2021 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. By-law 54-2018 shall be amended as follows:

- a. The following definition shall be added to Section 1.1 ("Definitions") after "person" and before "property":

"**Pond**" shall mean a contained body of water not intended for swimming or diving which is located in an area permitting residential uses but does not include bodies of water that are designed for storm water retention, those located on farms, or those on golf courses."

- b. The following definitions shall be added to Section 1.1 ("Definitions") after "sidewalk" and before "storage":

"**Spa**" shall mean a vessel designed or intended for recreational, therapeutic, or bathing purposes commonly referred to as a swim spa, hot tub, whirlpool, hydro massage pool, jetted tub or spa.

"**Stagnant Water**" shall mean an accumulation of untreated or uncirculated water on any swimming pool cover or in any swimming pool or pond."

- c. The following definitions shall be added to Section 1.1 ("Definitions") after "storage" and before "weeds":

"**Swimming Pool**" shall mean any body of water contained in whole or in part by artificial means, including:

- a) a pond located outdoors, above or below grade, on privately owned property;

- b) any body of water contained in a man-made vessel;
 - i. which has a minimum depth of water at any point of 610 mm and with more than 2.0 m² in potential liquid surface area; and
 - ii. which may be used or is capable of being used for swimming or diving or both;
 - iii. includes those swimming pools which are designed to be removed periodically on a seasonal or more frequent basis;

and does not include a swimming pool that is:

- i. a pond or reservoir utilized for farming purposes or as part of a golf course;
- ii. those swimming pools regulated by the Ontario Building Code; or,
- iii. an existing natural body of water or stream, a privately or publicly owned storm water management facility.

“Waste Receptacle” shall mean a receptacle designed for or used for the collection of waste.”

- d. Section 2.7 shall be repealed and replaced with the following:

“2.7 (a) No person shall deposit any garbage, refuse or debris upon property under the ownership or control of the municipality, or upon another owner’s property.

(b) No person shall permit or allow any of the person’s garbage, refuse or debris to rest upon property upon the ownership or control of the municipality. No person shall deposit any garbage, refuse or debris upon property under the ownership or control of the municipality.”

- e. The following shall be added to Section 2 (“Property Maintenance”):

“2.8 Every owner of property shall ensure that his/her/its waste receptacle is removed from property under the ownership or control of the municipality, by 5 PM on the day following the date of waste collection.

2.9 Where a swimming pool has been removed or demolished, the owner of a property shall restore the affected land with approved fill material to match existing site grading in a manner that will not

adversely affect adjacent properties to the satisfaction of the By-law Compliance Officer.

2.10 Every owner of a property shall maintain the swimming pool, spa, pond and any covers so that they are free from stagnant water.”

2. This By-law comes into force and effect upon passage.

Read and passed in open session on April 20, 2021.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**