

**Authority:** Item 1, Economic Development  
and Planning Committee  
Report 09-023 (PED09165(a))  
CM: November 11, 2009

**Bill No. 238**

**CITY OF HAMILTON**

**BY-LAW NO. 09-238**

**To Amend Property Standards By-Law No. 03-117**

**WHEREAS** By-law No. 03-117, as amended by By-law No. 04-280 and By-law No. 04-281, provides for property standards and Council deems it necessary to make certain amendments to the By-law:

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Section 2 of By-law No. 03-117 is amended by deleting paragraph 2(1)(g) and replacing it with the following the new paragraph:

(g) “debris” means the remains of anything broken or destroyed;

2. Section 2 of By-law No. 03-117 is amended by adding the following paragraph immediately after paragraph 2(1)(jj):

(kk) “waste” means a substance or material that is unusable or unwanted and includes but is not limited to wrecked, decayed, dilapidated, or inoperative vehicles or machinery, and parts of such vehicles or machinery.

3. Section 13 of By-law No. 03-117 is deleted and replaced with the following new section:

**DEBRIS AND WASTE**

- 13(1) Every property shall be kept free from debris and waste and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
- 13(2) Every building shall be provided with sufficient proper containers to contain all debris and waste which accumulates on the property, and such debris and waste shall be placed for collection in proper containers in compliance with applicable laws and by-laws, and not allowed to accumulate for longer than ten days.
- 13(3) Every unenclosed porch or unenclosed balcony, and every exterior or interior hallway, stairway and common area shall be kept free of debris, waste, furniture or appliances, except furniture which is outdoor grade or made weather and water resistant may be placed for use on balconies or porches.
- 13(4) Containers for debris and waste shall be:
  - (a) made of watertight construction
  - (b) provided with a tight-fitting cover, which may be removed only when the container is empty or is being actively loaded;
  - (c) maintained in good condition without holes or spillage; and
  - (d) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour, debris or waste.
- 13(5) Plastic bags shall be considered acceptable containers under subsection (4) above provided they are:
  - (a) adequately secured so as to prevent spillage;
  - (b) not stored outdoors unless protected from access by animals or vermin; and
  - (c) otherwise are maintained in compliance with subsection (4) above.
- 13(6) Paper receptacles are not acceptable under this section, except only where they are placed inside other compliant containers or are placed out for collection in compliance with applicable collection by-laws.
- 13(7) Where commercial or on site debris or waste containers are visible from a public street or land, or the subject site abuts residential properties, the

area where the containers are stored shall be enclosed on all sides by wall or solid fence not less than 1.8 meters (6 feet) high, such wall or fence containing an adequate door or gate to allow for the removal of debris or waste.

- 13(8) Where an exterior bulk or roll-off container disposal system is used, it shall:
- (a) be equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
  - (b) be large enough to contain all debris or waste generated between collections by the occupants served;
  - (c) not be loaded beyond the top of the container.
- 13(9) Containers for debris and waste including but not limited to containers for recyclable materials, organic waste and garbage shall not be stored in a front or side yard, except:
- (a) proper containers may be placed out for collection, provided they are placed out in the time and manner that is in compliance with all applicable by-laws; and
  - (b) commercial properties that maintain receptacles for use by the public entering the property may have containers in the front yard, if they are regularly emptied into proper containers or receptacles and any spillage is removed.
4. Subsection 19(1) of By-law No. 03-117 is deleted and replaced with the following new subsection:
- 19(1) Yards shall be kept clean and free from debris, waste and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
5. Section 32 of By-law No. 03-117 is deleted and replaced with the following new section:

**WASTE DISPOSAL**

- 32.(1) Subject to subsections (2) and (3) below, every waste chute and every waste storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.

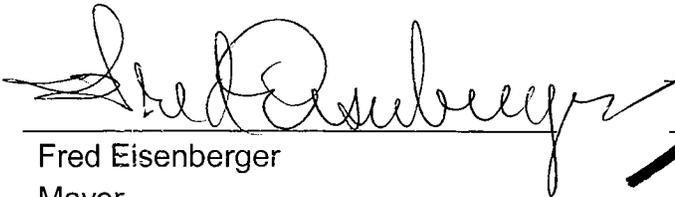
- (2) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any waste chute or any waste storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
- (3) Where it is not practical to maintain waste chutes operational, because compactors are not able to be installed in place of incinerators, the waste chutes need not be maintained operational at all times if any alternate method readily accessible to all occupants is provided and maintained as follows:
- (a) a waste storage area is provided on each floor of the building;
  - (b) the occupants are not required to deliver waste to the ground floor, basement or parking lot of the building; and
  - (c) the owner of the building provides a daily collection procedure from each floor and delivers the waste to the containers as required by subsection 13(4) and 13(5).

**COMPOSTING**

32(6) A residential property may provide for not more than two compost heaps, provided the piles are located in the rear yard and each is no larger than one meter square (10.76 square feet), no higher than 1.8 meters (6 feet), and are each enclosed on all sides by concrete blocks, a lumber structure, a metal frame, or a commercial plastic compost container.

6. This By-law shall come into force on the date of its passing.

**PASSED and ENACTED** this 11<sup>th</sup> day of November, 2009 .



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Fred Eisenberger  
Mayor



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Kevin C. Christenson  
City Clerk