BY-LAW NUMBER 147-2026

A BY-LAW TO ESTABLISH STANDARDS RESPECTING YARD WASTE & EXTERIOR PROPERTY MAINTENANCE AND TO PROHIBIT LITTERING IN THE CITY OF WINDSOR

Passed the 28th day of September, 2026.

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person, for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25. as amended, provides that a single-tier municipality may pass by-laws respecting matters within spheres of jurisdiction including but not limited to waste management, drainage and flood control;

AND WHEREAS Section 127 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws requiring 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 and for regulating when and how such matters shall be done, for prohibiting the deposing of refuse or debris on land without the consent of the owner or occupant of land and for defining "refuse";

AND WHEREAS Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 130 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may regulate matters not specifically provided for in the act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

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 used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposal;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS Section 427 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws directing or requiring that a matter or thing be done and that in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense and that a municipality may enter upon land and into structures at any reasonable times for the above purpose and further that a municipality may recover the cost of doing a thing or matter required above and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Council of the Corporation of the City of Windsor deems standing water, loose rubbish and debris on lands and unkempt yards a nuisance that could create a health and safety hazard for the public;

AND WHEREAS it is deemed expedient to repeal By-law 3-2006 replace it with a new consolidated By-law,

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

Part 1 - Short Title & Definitions

1.1 Short Title
1.2 Definitions

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2.2 Application of By-law

Part 3- Maintenance of Yards & Private Drains

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  3.1.1 Yard Conditions
  3.1.2 Hedges and Landscaping
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Part 1 – Short Title & Definitions

1.1 Short Title

This by-laws may be cited as the Yard Maintenance and Anti-Littering By-law.

1.2 Definitions

In this by-law:

Backyard Composter means a retail or homemade unit designed to enhance the decomposition of organic materials not including fat, bones or dairy products, into a soil supplement.

City means The Corporation of the City of Windsor.

City Clerk means the person duly appointed as Clerk for the City.

Council means The Council of the Corporation of the City of Windsor.

Debris means the same as “refuse”.

Deposit means throw, place or set down.

Depression means any natural or human made condition on property that is capable of holding water for more than four (4) consecutive days but does not include a municipally owned storm water management facility or any of the following maintained in good repair and working condition: swimming pool, hot tub, wading pool or artificial pond.

Domestic Waste means any article, thing, matter or any effluent belonging to or associated with a house or household or concerning or relating to the home or family that appears to be waste material, including but not limited to the following classes of material:

a) accumulations, deposits, leavings, remains;
b) ashes;
c) large appliances or any part thereof;
d) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks, plumbing fixtures;
e) inoperative motor vehicles, trailers and vehicle parts and accessories;
f) paper, cartons, fabrics or carpets;
g) furniture;
h) crockery;
i) sewage,
j) garbage as defined in by-law 2-2006

Garbage Container means a hard sided container to place garbage in for storage and collection, as described in Part 3 of By-law 2-2006.

Grass means any plant characterized by rounded and hollow jointed stems, narrow sheathing leaves, flowers borne in spikes and hard grain like seeds.

Ground Cover means plants or shrubs characteristically forming an extensive dense growth close to earth.

Industrial and Commercial Waste means any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material, including but not limited to the following classes of material:

a) articles, things, matter, effluent which in whole or in part or fragments are derived from or are constituted from or consist or agricultural, animal, vegetable, paper, lumber, wood, mineral, metal or chemical products, whether or not the products are manufactured or otherwise produced;
b) automotive parts, inoperative motor vehicles, trailers, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
c) piping, tubing, conduits, cable and fittings or other accessories or adjuncts to the piping, tubing, conduits or cable;
d) containers or pallets or any size, type or composition;
e) material resulting from or as part of construction or demolition projects;
f) rubble, inert fill;
g) bones, feathers, hides;
h) sewage.

Inoperative Motor Vehicle means licensed or unlicensed a vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes a motor vehicle that is not licensed for the current year.

Large Appliance means appliances such as, but not limited to, refrigerators, stoves, freezers, washers and dryers.

Medical Officer of Health means the Medical Officer of Health for the City of Windsor and the County of Essex.

Maintained means to carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a structure or building or appurtenances including mechanical equipment required so they may properly perform the intended function.

Motor Vehicle means an automobile, truck, boat, motorcycle, snowmobile, trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running solely upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c.H8, as amended.

Naturalized Area means a yard or a portion of a yard containing vegetative growth that does not form part of a natural garden that has been deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

Noxious Weed means a noxious weed designated under the *Weed Control Act* including any weed designated as a local or noxious weed under a by-law of the City passed under this Act.

Nuisance means an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.

Occupant means any person or persons over the age of eighteen years in possession of the property.

Officer means a provincial offences officer as defined in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 or any successor legislation.

Owner includes the registered owner and the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards of this by-law.

Person means an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau or agency.

Private Drain means a drain or sewer or part of a drain or sewer that is situated on private property.

Private Property means property that is privately owned by a person and is not City property, School Board property, property of the Crown in Right of Ontario or of any of its agencies or property of the Crown in Right of Canada or any of its agencies.

Property means any grounds, yard, vacant lot or watercourse, meaning any natural route or alterations to such route, including rivers, lakes, streams, creeks and channels in which the flow of storm water, groundwater, runoff or precipitation flow is either intermittent or continuous"

Public Property means property that is owned by the City or any of its Boards and agencies, School Boards, the Crown in Right of Ontario or any of its agencies or property of the Crown in Right of Canada or any of its agencies.

Refuse means any article, thing, matter, substance or effluent that is or appears to be

a) cast aside, discharged or abandoned;
b) discarded from its usual and intended use;
c) used up in whole or in part or is expended or worn out in whole or in part;
d) domestic or industrial and commercial waste, whether it is commercially saleable or recyclable or not.

Standing Water means any water, other than a natural body of water that exists on a permanent basis or contained within a municipally owned storm water management facility, that is found either on the ground or in debris as defined in this by-law, but shall not include any of the following maintained in good repair and working condition: swimming pool, hot tub, wading pool or artificial pond.

Street means any public road, avenue, parkway, lane, alley or highway as defined in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

Sewage means any liquid waste containing human, vegetable or mineral matter or waste that is in suspension, whether domestic or industrial, or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off.

Unlicensed shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*, displayed on the motor vehicle.

Unsafe Condition means any condition that could cause undue hazard to the health or safety of any person, authorized or unauthorized on or about a property.

Woodlot shall mean an area of trees in excess of 0.2 hectares.

Weed means any weed designated under the *Weed Control Act*.

Yard means land that is not a highway, including vacant lots or any part of a lot, which is not beneath a building and for the purpose of this by-law includes unenclosed decks, unenclosed porches, balconies, patios, unenclosed carports and unenclosed garages accessory to a residential use.

Part 2 – General Provisions and Administrative Matters

2.1 Administration of By-law
The City Clerk shall administer this By-law.

2.2 Application of By-law
This By-law shall apply to all persons within the geographic boundaries of the City, including occupants and owners of property.

Part 3 – Maintenance of Yards & Private Drains

3.1 Clean and Clear Yards
Every owner of property shall ensure that the yard is kept free of refuse and shall ensure that grass and ground cover is trimmed or cut to a height of 31 centimetres (12 inches) or less and shall ensure that weeds are removed or destroyed.

3.1.1 Yard Conditions
Every owner of property shall ensure that the yard is kept free of dead, decayed or damaged trees or other natural growth, and the branches or limbs thereof which create an unsafe or unsightly condition.

3.1.2 Hedges and Landscaping
Every owner of property shall ensure that hedges, shrubs, plantings, trees and all other landscaping on a property shall be maintained in a neat, tidy and healthy condition that is not unsightly or unreasonably overgrown, is acceptable to the Officer, and does not:

1. Obstruct or interfere with the safety and health of the public;
2. Affect the safety of or obstruct the view of vehicular or pedestrian traffic;
3. Detract from the neighbouring environment; or
4. Wholly or partially conceal or interfere with the use of any public infrastructure.

3.1.3 Trees and Landscaping
Every owner of property shall ensure that all dead, diseased or decaying hedges, plantings, trees, or other landscaping which may be a hazard in the opinion of the Officer, shall be removed or returned to a healthy condition.

3.1.4 Every owner or occupant of property shall maintain the property free from rodents, vermin or other pests and free from conditions that may attract such.

3.1.5 Every owner or occupant of property shall ensure that domestic waste in a yard is placed in Garbage Containers.

3.2 Naturalized Areas
Provisions relating to the trimming of grass and ground cover as in section 3.1 above do not apply to naturalized areas.

3.2.1 There must be a buffer strip, minimum of 0.6 metres (2 feet) in width, containing grass or ground cover trimmed or cut to a height of 31 centimetres (12 inches) or less between any naturalized area and an abutting property not owned or occupied by the person keeping the naturalized area.

3.3 No Breach when Complying with Waste Collection By-law
A person does not breach s.3.1 merely by storing, preparing or placing items out for collection by the City in accordance with any City by-law pertaining to the collection of waste, recyclable material or yard waste.

3.4 Removal of Standing Water
Every owner of property shall ensure that any depression in or on the yard is kept free of standing water and that all depressions do not hold standing water for a period of more than four (4) days.

3.5 Authority of Medical Officer of Health
Any action taken under this by-law in relation to standing water in no way precludes the Medical Officer of Health from taking action with regard to standing water as provided for in the *Health Protection and Promotion Act*, R.S.O. 1990, c.H7, as amended.

3.6 Non Applicability to Agricultural Operations
Despite the provisions of Sections 3.1 to 3.5, inclusive, nothing in this section shall be deemed to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Protection Act*, S.O. 1998, c.1, as amended, from carrying out a "normal farm practice" as defined by that Act.

Part 4 – Backyard Composting Activities

4.1 Material not Permitted in Backyard Composter
No person shall permit any bones, meat, dairy or other fat or fat products to be placed in a backyard composter or compost heap.

4.2 Location in Yard
Backyard composters shall be placed behind the building line in a yard and no closer than 0.6 metres (2 feet) to the property line. The backyard composter shall be of a size no greater than 3 metres by 1.5 metres or 4.5 cubic feet (10 feet by 3 feet or 150 cubic feet). The composting shall take place on the property of the person owning, having charge of or harbouring the backyard composter.

4.3 Steps to Reduce Nuisance and Health Hazard
Food waste placed in the backyard composter shall be covered by yard waste, soil or compost and the person owning, having charge of or harbouring the backyard composter shall ensure that no offensive odour is emitted and that it is not attracting or harbouring any vermin.

Part 5 – Large Appliance Safety

5.1 Large Appliances – Remove or Secure Door
If a large appliance is not being used for its manufactured purpose or is being set out for collection by the City, or is being set out in a yard pending collection by the City, the door shall be removed or secured in such a way as to prevent the door from being shut so as to prevent any person from being trapped in such an appliance.

Part 6 – Maintenance of Abutting Untravelled Portions of Highways

6.1 Requirement to Maintain
Every owner of property shall ensure that the untravelled portion of highway abutting their property be kept free of refuse and shall ensure that grass and ground cover is trimmed or cut to a height of 31 centimetres (12 inches) or less and shall ensure that weeds are removed or destroyed.

6.2 No Breach when Complying with Waste Collection By-law
A person does not breach s. 6.1 merely by placing items out for collection by the City in accordance with any City by-law pertaining to the collection of waste, recyclable material or yard waste.

Part 7 – Prohibition of Littering within the City of Windsor

7.1 No Littering
No person shall deposit any refuse on Public Property or Private Property.

7.2 Refuse Deposited at Approved Location
Refuse may be deposited at a waste disposal site that has been approved by the Ministry of the Environment pursuant to the *Environmental Protection Act*, R.S.O. 1990, c.E19, as amended, if the owner of such a waste disposal site has granted permission for the deposit.

7.3 Maintaining the Alley or Land
Every owner or occupant of land in the City of Windsor shall keep and maintain that portion of the alley or land which abuts upon such land, up to the middle of the alley or lane, free and clear of weeds, ashes, paper, building material, rubbish and other refuse.

Part 8 – Inoperative Motor Vehicles

8.1 Storing of Inoperative Motor Vehicles
No person shall keep inoperative motor vehicles or parts thereof upon a yard. Vehicles lacking current valid licence plates shall be parked or stored only within a private garage or other building.

8.2 Yard and Storage
All properties including vacant lots and every yard shall be kept clean and free from unusable, wrecked, dismantled, discarded or partially dismantled or abandoned appliances, machinery, boats, vehicles, trailers or parts thereof, except as provided in subsection (8.4) of this Section;

8.3 Motor Vehicle Salvage Prohibited
No person shall use any land in the City for storing inoperative motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including for purposes of repairing other vehicles.

8.4 Exceptions

Sections 8.1, 8.2 and 8.3 do not apply if zoning by-laws permit the land to be so used and the person holds a current and valid license issued by the City for the land, permitting motor vehicle salvage or storage. Sections 8.1, 8.2 and 8.3 do not apply to agricultural farm equipment upon a property that is a farm property falling within the definition of "agricultural operation" under the *Farming and Food Protection Act*, S.O. 1998, c.1, as amended.

Part 9 - Graffiti

9.1 Markings, Stains Graffiti and Defacements

Every owner or occupant of land in the City of Windsor shall ensure that markings, stains, graffiti, painted slogans, or other defacements on the exterior walls and surfaces of fences, buildings or structures be removed or covered. These surfaces shall be refinished, restored or covered in an acceptable manner.

Part 10 – Enforcement & Penalties

10.1 Notice to Comply

The City Clerk or an Officer may, by a notice delivered by personal service to the owner or property, or by a notice sent by prepaid mail to the owner of property, or by a notice posted on the property, or by a notice published once in a local newspaper of general circulation, or by any combination of the above as the City Clerk or Officer deems necessary, require the owner or occupant, as the case may be, within seven (7) days of the notice being served

a) to keep a private drain in repair;
b) to alter or relay a private drain;
c) to provide for the sanitary disposal of sewage and drainage from the property;
d) to clean, clear or remove from the property or yard any refuse;
e) to cease using the property for the dumping or disposing of refuse;
f) to cover, screen, shield or enclose any refuse, in the manner specified in the Notice;
g) to remove any standing water from the property;
h) to remove any inoperative motor vehicles from the property;
i) to remove, trim or cut grass or ground cover to a height of less than 31 centimetres (12 inches);
j) to remove weeds;
k) to take any action the City Clerk or Officer deems necessary to bring the property into compliance with this By-law.
l) to remove weeds, ashes, paper, building material, rubbish or other refuse from an alley or lane.
m) to remove graffiti, stains, painted slogans and other defacements

10.1.1 Where No Notice is Required

Where the condition of the Yard is such that it constitutes a hazard to members of the public, the City Clerk or Designated is authorized to follow the provisions of Section 10.3 of the By-law, without having first issued the Notice.

10.1.2 Receipt of Notice

Where the Notice to Comply is sent by prepaid mail in accordance with Section 10.1 of the By-law, it is deemed to have been served on the fifth day after mailing.

10.2 Administrative Fees

Administrative Fees will be charged in accordance with By-law 392-2002.

10.2.1 Property Identification

Every notice delivered, sent, posted or published shall identify the property by street number and name, and/or legal description.

10.2.2 Source of Mailing Address
Every notice to an owner that is sent shall be sent to the address shown on the last revised assessment roll and may also be sent to the last address known to the City of the owner if it differs from that on the roll.

10.2.3 Inclusion
Every notice delivered, sent, posted or published shall specify that if the owner defaults in doing the thing(s) required to be done under this by-law by the timeline specified in the notice, the City Clerk may take action to cause the City to do the thing(s) required to be done as specified in the notice and that the City may recover the costs of doing the thing(s) required to be done from the owner and that the City may recover the costs by action or by adding the costs to the tax roll and collect them in the same manner as taxes.

10.3 Non-Compliance with Notice
If an owner or occupant, as the case may be, fails to comply with a notice issued under section 10.1, the City Clerk may take action to do the thing(s) required to be done as specified in the notice.

10.4 Recovery of Expense
If the City takes action to do the thing(s) required to be done as specified in the notice, the costs of such action may be added to the tax roll and collected in the same manner as taxes.

10.5 Entry onto Property

10.5.1 Entry to Inspect
For the purposes of inspecting a property to determine compliance with the terms of this by-law, the City Clerk or an Officer may enter onto any public or private property.

10.5.2 Entry to Remedy
Where the City proceeds with action under s.10.3 of this by-law, the City Clerk or an Officer or an agent appointed by the City may enter onto the property accompanied by any person(s) under his or her direction and with the appropriate equipment as required to bring the property into compliance with this by-law.

10.5.3 Non-Obstruction of City Employee or Agent
No person shall hinder or obstruct an Officer employed to enforce this by-law from carrying out an inspection of lands nor shall any person obstruct any employee or agent authorized by the City to carry out any work under authority of this by-law.

10.6 Offence
Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine and any other penalties as provided for in the *Provincial Offences Act,* R.S.O. 1990, c.P33, as amended.

Part 11 – Severability

11.1 Severability
If a Court of competent jurisdiction should declare any section or a part of a section of this by-law to be invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

Part 12 – Repeal & Enactment

12.1 Repeal of Previous By-laws
Except as provided by Section 12.2 hereof, By-law Number 3-2006 and all amendments thereto are hereby repealed.

12.2 Transition
Notwithstanding Section 12.1 hereof, the provisions of By-law 3-2006, shall continue to apply to any properties or persons in respect of which enforcement action has commenced under the said by-law until such action has been concluded.

12.3 Effective Date
This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

By signing this by-law on September 28, 2026, Mayor Drew Dilkens will not exercise the power to veto this by-law, and this by-law is deemed passed as of this date.

First Reading – September 28, 2026
Second Reading – September 28, 2026
Third Reading – September 28, 2026