

**BY-LAW NUMBER 148-2024**  
**OF**  
**THE CORPORATION OF THE CITY OF BRANTFORD**

*Being a by-law to amend Chapter 132 Property Standards Officers/Peace Officers Appointment, Chapter 206 (Dogs – Other Animals), Chapter 438 (Fences- Height- Regulation), Chapter 554 (Noise Control), Chapter 492 (Lot Maintenance and Waste), Chapter 478 (Signs-Outdoor Other Advertising Devices), Chapter 437 (Swimming Pools – Regulation and Use), Chapter 533 (Fire Prevention), Chapter 465 (Property Standards Maintenance - Occupancy), By-law 4-2016 (Vacant Buildings Registry)*

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WHEREAS City Council at its meeting held October 29, 2024 adopted the recommendations in Report 2024-615 regarding City By-law Housekeeping Amendments to Municipal Code Chapters:132 (Property Standards Officers/Peace Officer Appointments), 206 (Animals), 438 (Fences), 554 (Noise Control), 492 (Lot Maintenance and Waste), 478 (Signs), 437 (Swimming Pools), 533 (Fire Prevention), 465 (Property Standards) and By-law 4-2016 (Vacant Buildings Registry);

WHEREAS the recommendations are housekeeping amendments to City of Brantford municipal code chapters in which in their current iterations present extant absences of authority for Property Standards/Municipal Law Enforcement Officers to enforce their provisions and obsolete definitions and provisions due to the formation of the Bylaw and Security Department which was previously under the purview of the Building Department;

WHEREAS all recommended housekeeping amendments will ensure that enforcement action undertaken on behalf of the City cannot be legally challenged on the grounds of the absence of authorities present within municipal by-laws

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD HEREBY ENACTS AS FOLLOWS:**

THAT Chapter 132 Property Standards Officers/Peace Officers Appointment BE AMENDED by:

1. Repealing and replacing all provisions containing “Chief Building Official” with “Director”
2. Repealing Section 132.1.1 clause C;
3. Repealing and replacing Section 132.1.2 with the following:

**132.1.2 Appointment**

The persons holding the following positions in the Bylaw and Security Department are appointed Municipal Law Enforcement Officers and Peace Officers pursuant to subsections 55(1) and 55(2) of the Community Safety and Policing Act, as amended, for the purposes of enforcing municipal bylaws:

- a) Director of Bylaw & Security
- b) Supervisor of Bylaw Compliance
- c) Municipal Law Enforcement Officer
- d) Property Standards Officer

THAT Chapter 206 Dogs-Other Animals BE AMENDED by:

1. Repealing and replacing Section 206.1.2 with the following:

**206.1.2 Animal Control Officer**

“Animal Control Officer” includes a Municipal Law Enforcement Officer, or a person, society, or association who has entered into a contract with the municipality to control animal and to operate a pound, and any employee of such person, society or association, all of which are hereby appointed Municipal By-law Enforcement Officers for the purpose of enforcing the provisions of this Chapter.

2. To add the following and renumber accordingly:

**206.1.12 Order – defined**

“Order” means a direction issued by an Animal Control Officer pursuant to this Chapter and requiring compliance with the standards prescribed by this Chapter, and “orders” shall have a corresponding meaning.

**206.1.20 Property – defined**

“Property” means land, including a building or structure, or part of a building or structure.

**206.13.3 Powers of Entry and Orders**

An Animal Control Officer may enter onto Property at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an Order made under this By-law is being complied with.

**206.13.4 Inspection**

For the purposes of conducting an inspection pursuant to this By-law, an Animal Control Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and

d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

#### **206.13.5 Obstruction**

No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Animal Control Officer who is exercising a power or performing a duty under this By-law.

THAT Chapter 438 BE AMENDED by:

1. Repealing and replacing all provisions containing “Chief Building Official” with “Director”
2. Adding the following and renumber accordingly:

#### **438.1.2 Director – defined**

“Director” means the City’s Director of Bylaw and Security and/or their designate.

#### **438.1.9 Officer – defined**

“Officer” means a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law.

#### **438.1.10 Property – defined**

“Property” means land, including a building or structure, or part of a building or structure.

#### **438.5.1 Engineer – Director – jurisdiction**

Administration of this Chapter shall be under the jurisdiction of the Engineer and Director.

#### **438.6.1 Powers of Entry and Orders**

An Officer may enter onto Property at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an Order made under this By-law is being complied with.

#### **438.6.2 Inspection**

For the purposes of conducting an inspection pursuant to this By-law, an Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;

b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

c) require information from any Person concerning a matter related to the inspection; and

d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

#### **438.6.3 Obstruction**

No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

THAT Chapter 554 BE AMENDED by:

1. Repealing and replacing all provisions containing “Chief Building Official” with “Director”
2. Adding the following and renumber accordingly:

#### **554.1.5 Director – defined**

“Director” means the City’s Director of By-law and Security and/or their designate.

#### **554.1.14 Officer - defined**

“Officer” means a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law.

#### **554.1.15 Noise Control Administrator – defined**

“Noise Control Administrator” means the person or persons designated by Council as responsible for the administration of this Chapter and shall be the Chief of Police of the City of Brantford and the Director of Bylaw and Security for the City of Brantford.

#### **554.1.16 Person – defined**

“Person” shall mean an individual, firm, corporation, association or partnership and includes an Owner.

#### **554.1.17 Property – defined**

“Property” means land, including a building or structure, or part of a building or structure.

#### **554.8.3 Powers of Entry**

An Officer may enter onto Property at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an Order made under this By-law is being complied with.

#### **554.8.4 Inspection**

For the purposes of conducting an inspection pursuant to this By-law, an Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and
- d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

#### **554.8.5 Obstruction**

No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

THAT Chapter 492 BE AMENDED by:

1. Repealing and replacing all provisions containing “Chief Building Official” with “Director”
2. Adding the following and renumber accordingly:

#### **492.1.1 Buffer strip – defined**

“buffer strip” shall mean the cleared land between any property line and a naturalized area, for the purpose of delineating such an area and measure at least 1.0 metres (36 inches) wide or as otherwise prescribed by the Director, a border of a minimum of a minimum of 0.9 metres (36 inches) wide that delineates a naturalized area.

#### **492.1.5 Director -defined**

“Director” means the City’s Director of Bylaw and Security and/or their designate.

#### **492.1.18 Waste – defined**

“waste” shall mean domestic waste and/or industrial waste as defined in this Chapter and means material or effluent that, in the opinion of the Director and/or an Officer:

- a) appears to have been cast aside or discarded or abandoned; or

- b) appears to be worthless or useless or of no practical value; or
- c) appears to be used up, in whole or in part, or expended or worn out in whole or in part.

**492.3.1 Administration – by Bylaw and Security Department**

This Chapter is administered by the Bylaw and Security Department of the City.

THAT Chapter 478 BE AMENDED by:

1. Repealing and replacing section 478.2.6 with the following:

“Chief Building Official” means the person who may, from time to time, be appointed by Council to the position of Chief Building official in conformity with the provisions of the *Building Code Act, 1992*, and/or their designate for the purposes of administering this Bylaw.

2. Adding the following and renumber accordingly:

**478.2.20 Officer - defined**

“Officer” means a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law

**478.19.2 Entry on land – authority**

The Chief Building Official and/or their designate or an Officer shall have the right to enter onto any private property to inspect any sign for compliance with the provisions of this Chapter.

THAT Chapter 437 BE AMENDED by:

3. Repealing and replacing section 437.1.5 with the following:

**437.1.5 Inspector – defined**

“Inspector” means an appointed inspector or Municipal Law Enforcement Officer of the Corporation of the City of Brantford.

4. Adding the following and renumber accordingly:

**437.2.1 Administration – Chief building Official – Director of Bylaw and Security**

Administration of this Chapter shall be under the jurisdiction of the Chief Building Official and the Director of Bylaw and Security of the Corporation of the City of Brantford.

**437.3.1 Application – to Corporation – by Owner**

The owner of land upon which it is intended to construct or erect a swimming pool, or the owners agent, shall apply to the Corporation of the City of Brantford for a permit.

**437.5.7 Chief Building Official – Director of Bylaw and Security - approval**

The Chief Building Official or the Director of Bylaw and Security may approve the construction of a swimming pool enclosure that is a fence, wall or other structure where it provides an equivalent enclosure to that specified in this Chapter.

THAT Chapter 533 BE AMENDED by:

1. Repealing and replacing the title with “Unsafe Building By-law”
2. Repealing and replacing section 533.1.2 with the following:

**533.1.2 Property Standards Officer – defined**

“Property Standards Officer” means a Municipal Law Enforcement Compliance Officer (Bylaw Officer) of the Corporation or their authorized subordinates or assistants.

3. Adding the following and renumber accordingly:

**533.1.2 Person – defined**

“Person” shall mean an individual, firm, corporation, association or partnership and includes an Owner.

**533.4.2 Powers of Entry**

A Property Standards Officer may enter onto Property at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an Order made under this By-law is being complied with.

**533.4.3 Inspection**

For the purposes of conducting an inspection pursuant to this By-law, a Property Standards Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;

- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and
- d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

**533.4.4 Obstruction**

No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct a Property Standards Officer who is exercising a power or performing a duty under this By-law.

THAT Chapter 465 BE AMENDED by:

1. Repealing and replacing all provisions containing “Chief Building Official” with “Director”
2. Deleting the definition of “Inspector” 465.2.24
3. Adding the following and renumber accordingly:

**465.2.10 Director -defined**

“Director” means the Director of Bylaw & Security as the person duly appointed as the Director of Bylaw & Security that oversees the enforcement of this chapter.

**465.2.33 Officer – defined**

“Officer” means a Property Standards Officer or Municipal Law Enforcement Compliance Officer (Bylaw Officer) who has been appointed by bylaw by the Council and who shall be responsible for administering and enforcing the provisions of this chapter.

**465.6.2 Fences – Salvage Yard – Requirements**

Every salvage yard shall be enclosed by a fence, constructed of a material approved by the Director, which acts as a satisfactory visual barrier so as to adequately enclose a salvage yard.

**465.27.1 Permit – Required**

No person shall commence, conduct or permit to be commenced or conducted any work in the nature of demolition or removal of a building or part thereof, unless he/she obtains a permit therefor from the Chief Building Official in compliance with the Building Code Act, 1992 and posts such permit in a prominent position on the demolition site.

THAT Bylaw No. 4-2016 (Vacant Buildings Registry) be amended as follows:



1. To repeal and replace the definition of “Building Department” with “Bylaw and Security Department” which reads as follows:

**2.7** “Bylaw and Security Department” means the Bylaw and Security Department of the City of Brantford;

2. To add the following as 5.1:

5.1 The Bylaw and Security Department is authorized to administer and enforce this Bylaw including, but not limited, to prescribing the format and content of any forms or other documents required pursuant to this Bylaw.

THAT this By-law shall come into effect immediately upon its passage.

**READ THE FIRST TIME**                      **October 29, 2024**

**READ THE SECOND TIME**                      **October 29, 2024**

**PASSED**    **October 29, 2024**

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Mayor

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Clerk