



The Corporation of the Town of Fort Erie By-law 53-2026

Being a By-law to Amend Lot Maintenance By-law 92-2019, to Regulate Vegetative Growth on Vacant Lots and Vacant Structures

Whereas Lot Maintenance By-law 92-2019, as amended, regulates the maintenance of lands, including the control of refuse, vegetation and other conditions affecting property standards within the Town of Fort Erie in order to protect public health, safety, property standards and community well-being; and

Whereas Administrative Penalty By-law 111-2019, as amended, establishes a system of administrative penalties for designated by-law contraventions, including contraventions of By-law 92-2019, as amended; and

Whereas Council previously amended By-law 92-2019 to respond to developments in the law respecting the regulation of vegetation and naturalized areas while balancing individual expression with the protection of public health, safety and property standards; and

Whereas Council has determined that additional amendments are required to establish vegetation maintenance standards applicable to vacant lots and vacant structures in order to address identified health and safety hazards associated with unmanaged vegetation; and

Whereas at the Council-in-Committee meeting held July 6, 2026, Council considered and approved Report PBBS-36-2026 entitled "Proposed Lot Maintenance By-law Amendment for Vacant Lots"; and

Whereas it is deemed necessary to amend By-law 92-2019, as amended to establish maintenance standards for vacant lots and vacant structures; and

Whereas it is further necessary to amend By-law 92-2019 to update its administrative enforcement provisions and definitions to align with the Town's Administrative Penalty By-law 111-2019 for clarity and consistency; and

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** By-law 92-2019, as amended, be further amended by adding the following definitions under Section 2.0, to be inserted in alphabetical order in accordance with the existing sequence of definitions:

"Administrative Penalty" means a monetary penalty imposed by the Town in accordance with this By-law and the Town's Administrative Penalty By-law.

"Penalty Notice" means a notice issued by an Officer under this By-law imposing an Administrative Penalty in accordance with the Town's Administrative Penalty By-law.

"Vacant Lot(s)" means a parcel(s) of land on which no dwelling unit or occupied building exists, and which is not the subject of a valid and active building permit where substantial construction is ongoing.

"Vacant Structure" means a building or structure that is not lawfully occupied for residential, commercial, or permitted use and meets at least two (2) of the following criteria:

- (a) no active utility accounts for electricity, water, or gas are maintained for a period of at least 90 consecutive days, other than accounts maintained at nominal or standby levels consistent with seasonal or intermittent use;
 - (b) observable external conditions consistent with non-occupancy upon inspection, including lack of routine maintenance and indicators such as accumulated mail, overgrown vegetation, or debris indicative of prolonged absence of occupancy;
 - (c) the structure is not designated as occupied in municipal property, taxation, or inspection records; or
 - (d) the structure is not subject to active building, renovation, or occupancy permits indicating lawful use or ongoing substantial occupancy.
2. **That** By-law 92-2019, as amended, be further amended by adding the following Section:
- 6.8 Despite Sections 6.1-6.3 and 6.6, this subsection applies to Vacant Lots and Vacant Structures.
- (a) Every Owner of a Vacant Lot or Vacant Structure shall ensure that all turfgrass and unmanaged vegetative growth, including vegetation on any applicable boulevard portion of a highway, is maintained at a height not exceeding 15 centimetres (6 inches).
 - (b) For the purposes of this Section, maintenance requirements under subsection (a) are imposed to reduce fire risk, prevent pest harborage, maintain sightlines, and mitigate nuisance and Health or Safety Hazards associated with unmanaged vegetation.
 - (c) For greater certainty, nothing in this Section requires the removal of lawful cultivated landscaping, except where such vegetation creates or contributes to a Health or Safety Hazard.
3. **That** By-law 92-2019, as amended, be further amended by repealing Section 13.3 and replacing it as follows:
- “13.3 Every person who contravenes any provision of this By-law is guilty of an offence, and upon conviction, is liable to such penalties, as are provided for in the Provincial Offences Act, and the Municipal Act, 2001.”
4. **That** By-law 92-2019, as amended, be further amended by adding the following Sections:
- 13.4 In addition to any other remedy or enforcement mechanism available to the Town, where an Officer is satisfied that a Person has contravened any provision of this By-law, the Officer may issue a Penalty Notice imposing an Administrative Penalty in the amount set out in schedule “A” to this By-law.
- 13.5 Administrative Penalties issued under this By-law shall be subject to the provisions of the Town’s Administrative Penalty By-law 111-2019, as amended or replaced from time to time.
- 13.6 A Person who is issued a Penalty Notice under this By-law shall be liable to pay the Administrative Penalty in accordance with the Town’s Administrative Penalty By-law 111-2019, as amended or replaced from time to time.
5. **That** By-law 92-2019, as amended, be further amended by repealing Schedule “A” and replacing it with the Schedule “A” attached hereto and forming part of this By-law.

- 6. **That** all other provisions of By-law 92-2019, as amended, shall remain in full force and effect.
- 7. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 20th day of July 2026.

Mayor

Clerk

SCHEDULE “A”

To Lot Maintenance By-law 92-2019

Administrative Penalties

Column 1 (“Description of Offence”) in the table sets out the short form wording to be used in a Penalty Notice for a contravention of the designated provisions listed.

Column 2 (“Section”) in the table lists the specific section of the provision that has been contravened.

Column 3 (“Administrative Penalty”) sets out the Administrative Monetary Penalty amounts that are payable for a contravention of the designated provisions listed in Columns 1 and Column 2.

COLUMN 1	COLUMN 2	COLUMN 3
Description of Offence	Section	Penalty
Deposit refuse onto non designated property	3.4	\$700
Fail to comply with an Order	13.1	\$500
Obstruct an Officer	13.2	\$300
Obstruct an authorized employee or agent from carrying out Town work specified in an Order	13.2	\$300