



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA CLOTHESLINES BY-LAW 0197-2014

(Amended by By-law 0188-2023)

**WHEREAS** sections 8, 9 and 11 of the Municipal Act, 2001 authorize The Corporation of the City of Mississauga to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 of subsection 11(2) and paragraph 7 of subsection 11(3) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** section 425 of the Municipal Act, 2001 authorizes The Corporation of the City of Mississauga to pass by-laws providing that a person who contravenes a by-law of the City of Mississauga passed under that Act is guilty of an offence;

**AND WHEREAS** section 436 of the Municipal Act, 2001 provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law;

**AND WHEREAS** section 4 of the Green Energy Act, 2009 allows the Lieutenant Governor in Council to designate goods, services and technologies by regulation in order to promote energy conservation;

**AND WHEREAS** the Lieutenant Governor in Council has enacted Ontario Regulation 97/08, governing the use of clotheslines, clothestrees and designated goods and technologies that have a purpose the same as a clotheslines or clothestrees and no other purpose, and any necessary equipment (the "Regulation");

**AND WHEREAS** the Regulation is silent on the enforcement of clotheslines or clothestrees and does not regulate with respect to excessive and/or unsafe clotheslines;

**AND WHEREAS** the City of Mississauga wishes to adopt a by-law to control excessive and/or unsafe clotheslines;

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

### **1. PURPOSE**

1.1 The general purpose of this By-law is to:

- (1) to promote reasonable uses of Clotheslines for economic and environmental benefits; and
- (2) to regulate and control excessive and/or unsafe Clotheslines.

### **2. DEFINITIONS**

2.1 In this By-law:

"**By-law**" means this Clothesline By-law and any amendments or updates thereto.

"**City**" means The Corporation of the City of Mississauga.

"**Clothesline**" means a clothesline; clothestree; any goods and technologies that have a purpose that is the same as a clothesline or clothestree, and no other purpose; and any equipment that is necessary for their proper installation and operation;

**"Commissioner"** means the Commissioner appointed by City Council with administrative responsibility for the City's Enforcement Division and includes their designate; (0188-2023)

**"Enforcement Officers"** means municipal by-law enforcement officers appointed by City Council from time to time to enforce this By-law;

**"licensed secondary unit"** means an accessory dwelling unit with its own kitchen, sanitary facilities and bedrooms/sleeping area(s) located in a dwelling, that is licensed under the City's Second Unit Licensing By-law;

**"Person"** includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation.

### **3. APPLICATION**

3.1 Any Person who installs or maintains a Clothesline on private property within the boundaries of the City of Mississauga shall do so in conformity with the requirements of this By-law.

3.2 Clotheslines on private property identified by the City as not being in compliance with the provisions of this By-law shall be corrected or removed to the satisfaction of the Commissioner.

### **4. CLOTHESLINES**

4.1 All Clotheslines shall be maintained in a safe and reasonable condition so as to prevent accidents and safety hazards, and more particularly:

- (1) All Clotheslines and their supporting attachments must be securely anchored and maintained in a safe and good condition and be in accordance with all applicable laws.
- (2) A property shall not contain more than one Clothesline per dwelling unit.
- (3) Notwithstanding subsection 4.1(2), if a property contains a licensed secondary unit, then the property shall not contain more than one additional Clothesline.
- (4) A property shall not contain Clotheslines that operate with any pulley system or other mechanical apparatus that would permit the raising of the Clothesline to a height higher than what is permitted under subsection 4.1(5).
- (5) All Clotheslines must be installed entirely to the rear wall of the building so as to be useable by a person,
  - (a) standing directly on the ground,
  - (b) standing on a deck or other fixed platform accessed directly from the ground floor of the building, if the deck or fixed platform is no higher than the floor level of the ground floor, or
  - (c) standing on a step-stool or similar device placed either directly on the ground or on a deck or other fixed platform accessed directly from the ground floor of the building, if the deck or fixed platform is no higher than the floor level of the ground floor,

and shall not under any circumstance exceed a height of three metres from the ground level.

4.2 All Clotheslines must be confined to a straight line so as to prevent the ringing of the entire property with a single line with corner posts.

4.3 Clotheslines may be erected if it is more than 1.25 metres (49 inches) from any lot line.

4.4 All Clotheslines that do not comply with applicable laws and this By-law shall be removed.

### **5. GENERAL EXEMPTIONS**

5.1 The City is exempt from the requirements of this By-law.

**6. ENFORCEMENT**

- 6.1 Enforcement of this By-law is carried out by Enforcement Officers as defined in this By-law, as amended herein.
- 6.2 For the purpose of determining whether there is compliance with this By-law, an Enforcement Officer may have access to or enter any land, building, or structure governed by this By-law and may conduct an inspection.
- 6.3 An Enforcement Officer conducting an inspection shall produce identification issued by the City.
- 6.4 No Person shall hinder, obstruct or interfere with an Enforcement Officer lawfully conducting an inspection under this By-law.
- 6.5 Every Person who is served with a notice of contravention pursuant to the provisions of this By-law shall comply with the terms of the notice within the time set out therein.
- 6.6 Where an Enforcement Officer has reasonable grounds to believe that an offence has been committed by a Person, the Enforcement Officer may require the name, address and proof of identity of that Person, and the Person shall supply the required information.

**7. ADMINISTRATION, OFFENCES AND PENALTIES**

- 7.1 If an Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may issue a notice of contravention requiring the Person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred to discontinue the contravening activity.
- 7.2 Every Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, including the fines set out in this Part, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time.
- 7.3 Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

**8. SEVERABILITY**

- 8.1 Should any part, section, subsection or portion of this By-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the By-law as a whole or in part thereof, except for that which was declared to be invalid.
- 8.2 In the event there is a conflict with this By-law and any other bylaw, this By-law will prevail.

**9. EFFECTIVE DATE**

- 9.1 This By-law shall come into force and takes effect from and after the date of its enactment.
- 9.2 This By-law may be cited as the "Clothesline By-law".

**ENACTED AND PASSED THIS 2<sup>ND</sup> DAY OF JULY, 2014.**

**SIGNED BY: HAZEL MCCALLION, MAYOR AND CRYSTAL GREER, CITY CLERK**