

TOWN OF WHITBY

# MUNICIPAL BY-LAW GUIDE



[Whitby.ca/bylaws](http://Whitby.ca/bylaws)



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A by-law is a municipal law passed under the authority of a Provincial Act. By-laws govern towns, cities and villages. Whitby by-laws are enacted by Council to help keep our community safe, ensure compatible property uses, and keep Whitby as a community of choice. This Guide for Residents provides a plain-language summary of the most common Town by-laws that relate to property use and maintenance.

## Accessory Apartments

An accessory apartment is a common name for a basement apartment, a secondary suite, or another form of a secondary residential dwelling unit in a house that contains no more than one other unit.

### A General Guide

- Accessory apartments must be registered by the Town's By-law Services Division
- Up to two accessory apartments are permitted per property
- Accessory apartments must be constructed with a building permit
- One parking space is required per dwelling unit
- Accessory apartments are permitted in accessory structures
- Accessory apartments must have their electrical wiring inspected and approved by the Electrical Safety Authority.
- Accessory apartments must pass an inspection by Fire and Emergency Services.
- The above provisions vary for Rural Zoned properties, please contact By-law Services for more information.



### Still have questions?

If you have any further questions or concerns regarding accessory apartment registration, please contact Planning and Development at 905.430.4306 or by email to [planning@whitby.ca](mailto:planning@whitby.ca).

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Mailing Address: 575 Rossland Road East, Whitby, ON L1N 2M8



## Boulevard Maintenance

The portion of your property closest to the street is municipal property and is known as a boulevard. This area is the entrance point for many municipal services onto your lot and is regulated space as it may need to be accessed at any time to repair or improve Town services. It is the property owner's responsibility to maintain the boulevard, including mowing grass. The Town regulates the types of plantings you may add to the boulevard. It also and prohibits certain additions, such as large rocks and landscape stones that might create a hazard.

### A General Guide

- Grass and weeds may not exceed 15 centimeters (6 in.) in length.
- No plantings shall exceed 0.9 meters (3 ft.) in height.
- No plantings are permitted in a location that causes a traffic safety issue or in a location that impedes or blocks a sidewalk.
- No rocks, bricks, concrete slabs or anything protruding, sharp or dangerous is permitted on a boulevard.
- No light fixtures, pillars or similar objects are permitted.
- No fences are to be erected on a boulevard.
- Widening the boulevard portion of your driveway requires Town approval.



### Still have questions?

If you have any further questions or concerns regarding Boulevard Maintenance, please contact Enforcement Services at 905.430.4345 or by email to [bylaw@whitby.ca](mailto:bylaw@whitby.ca)

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## Fencing Standards

Fences should be well constructed and maintained. The Town's Fence By-law outlines maximum fence heights and minimum standards for swimming pool enclosures.

### A General Guide

- Key components of the Fence By-law include:
- The maximum fence height for a rear or side yard fence is 2 meters (6 ft. 6 in.).
- The maximum fence height for a front yard fence is 1 meter (3 ft. 3 in.).
- Fences must be maintained in a state of good repair and free from graffiti.
- Town-owned fences are exempt from the provisions of the Fence By-law and may exceed the maximum height if they were constructed for noise mitigation.



### Still have questions?

If you have any further questions or concerns regarding Fencing Standards, please contact Enforcement Services at 905.430.4345 or by email to [bylaw@whitby.ca](mailto:bylaw@whitby.ca)

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## Noise

All residents of the Town have the right to enjoy reasonable peace and quiet while at home. The Noise By-law protects residents from unreasonable or unnecessary noise. The by-law is re-actively enforced by the Durham Regional Police Service and the Town's By-law Services Division.

### A General Guide

- The operation of speakers at such a volume that it is audible on a neighbouring property is prohibited between the hours of 9:00 PM in the evening or before 7:00 AM in the morning.
- The operation of speakers at such a volume that it is audible from the interior of a neighbouring home where the neighbouring resident has made an effort to mitigate the reception of the noise (e.g. closing windows) is prohibited at all times.
- Persistent barking, calling, howling, whining at frequent or lengthy intervals by a domestic pet is prohibited at all times.
- Large-scale construction noise (e.g. subdivision construction) occurring after 8:00 PM in the evening or before 7:00 AM in the morning is prohibited.
- Large-scale construction noise occurring on a Sunday or public holiday is prohibited.
- Small-scale domestic construction noise (e.g. building a deck, fence, or shed) occurring after 9:00 PM in the evening or before 7:00 AM in the morning is prohibited.



### Still have questions?

If you have any further questions or concerns regarding noise, please contact Enforcement Services at 905.430.4345 or by email to [bylaw@whitby.ca](mailto:bylaw@whitby.ca)

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## Property Standards

Whitby has prescribed property standards for the maintenance and occupancy of all properties within the Town. All property owners are required to repair and maintain their properties in compliance with the minimum maintenance standards included in the Property Standards By-law.

### A General Guide

The following list provides an overview of the Town's property standards regulations:

- Properties must be maintained free of dead trees and trees must be pruned of all dead branches.
- Buildings are to be maintained in good condition, including the maintenance of roofs, windows, doors and eavestroughs.
- Sheds and detached garages are to be maintained in good condition.
- Rental properties are to be provided with working plumbing, heating and electrical services.
- The maximum height for the front yard hedge is 1 meter ( 3 ft. 3in.).
- The maximum height for a side or rear yard hedge is 3 meters (9 ft. 9 in.).
- Grass and weeds may not exceed 15 centimeters (6 in.) in length.
- vehicles parked on the exterior of residential properties must be maintained in an operable condition”



### Still have questions?

If you have any further questions or concerns regarding Property Standards, please contact Enforcement Services at 905.430.4345 or by email to [bylaw@whitby.ca](mailto:bylaw@whitby.ca)

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## Tenant Resources

The Town of Whitby By-law Services Section has a process for assisting tenants who reside in rental dwelling units located within the Township.

Prior to engaging Bylaw Services tenants must notify their landlord/ property manager in writing of their concern.

### A General Guide

- Your landlord/ Property Manger must receive written correspondence outlining your concerns.
- By-law Services has the ability to assist with a variety of rental unit concerns such as; heating, plumbing and general maintenance of the unit.
- If your landlord does not resolve your concern, upon receipt of a formal complainta By-law Officer will conduct an inspection.
- By-law Officers may issue your landlord/ Property manger with Order(s)/ Notice(s) directing them to address any noted violations.
- General property maintenance regulations are contained in the Towns Property Standards By-law 6874-14

Upon submission of a formal complaint Bylaw Services will contact youDivision and Whitby Fire Prevention

<https://webforms.whitby.ca/Legal-Services/By-law-Services-Complaint-Form>



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## Sidewalk Snow and Ice Clearing

Ice and snow on sidewalks and walkways present a significant danger and can cause unnecessary and avoidable slip and falls. The Property and Boulevard Maintenance By-law requires homeowners, tenants and businesses to clear all sidewalks abutting their property from ice and snow.

After a snow fall, homeowners and tenants have 24 hours to remove all snow and ice from any sidewalks abutting their property. Failure to comply, following delivery of a notice, may result in the Town removing ice and snow from the sidewalk at the owner's expense.

### A General Guide

- Every owner of a building, whether occupied or unoccupied, or vacant land is responsible for clearing any sidewalks abutting the building or land of ice or snow within 24 hours after the accumulation of the ice or snow.
- Snow, ice or slush from a sidewalk may not be deposited onto a street.
- Snow, ice or slush should not be deposited in any manner that obstructs the visibility or access to a fire hydrant.
- Accessory Apartments must pass an inspection by the Municipal Law Enforcement Division and Whitby Fire Prevention



### Still have questions?

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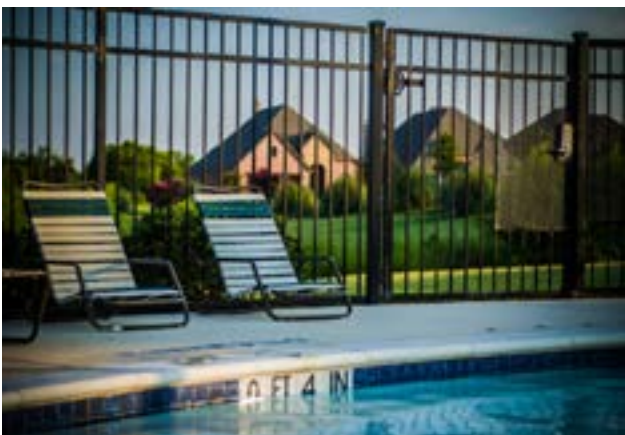
## Swimming Pool Safety Fences

All swimming pools that have a water depth deeper than 0.5 meters (1 ft. 7 in.) are required to be enclosed by a safety fence. All swimming pool safety fences require a permit from By-law Services.

Pool safety fences are required to prevent the unauthorized or unintentional entry of persons into a yard that contains a swimming pool.

### A General Guide

- Safety fences must be at least 1.2 meters (4 ft. 0 in.) in height.
- Safety fences may be of chain link or vertical board construction, subject to design standards (other fencing materials may be acceptable if approved in advance by the By-law Services Division).
- All fences must be setback a minimum distance of 1.0 meters (3 ft. 3 in.) from the edge of the swimming pool.
- The exterior of the pool safety fence, including all gates, must not contain any climbable objects or horizontal fencing supports spaced less than 1.2 meters (4 ft. 0 in.) apart that could facilitate climbing.



### Still have questions?

- If you have any further questions or concerns regarding Swimming Pool Safety Fences, please contact Enforcement Services at 905.430.4345 or by email to [bylaw@whitby.ca](mailto:bylaw@whitby.ca)

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## Vehicle Idling

Residents of the Town have the right to enjoy clean air, free from harmful pollutants caused by the unnecessary idling of vehicles. The Anti-Idling By-law restricts and limits idling times to protect the health and well-being of the Town's residents.

Generally, vehicles are not permitted to idle for a period of five minutes or longer. This by-law is actively enforced by the Town's By-law Services Division and the Durham Regional Police Service.

### A General Guide

- The by-law is not in effect when the outside air temperature is below 5 °C or when it is above 27 °C.
- The by-law does not apply to vehicles where idling is required as part of a repair process or to prepare a vehicle for servicing.
- The by-law does not apply to vehicles that remain motionless because of an emergency, traffic or weather conditions over which the driver has no control.
- The by-law does not apply to emergency services vehicles, such as police, fire and ambulance vehicles which are engaged in operational activities. Division and Whitby Fire Prevention



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## West Nile Virus

West Nile Virus (WNV) is a mosquito-borne illness that can be transmitted to humans by the bite of an infected mosquito. Reducing mosquito populations helps reduce the spread of WNV and other illnesses spread by mosquitoes. It can take only 4 days for stagnant water to become an ideal breeding ground for mosquitoes. This is why eliminating these potential breeding sites is the primary control measure in reducing mosquito populations.

### A General Guide

- Remove unused objects, garbage or refuse that could collect stagnant water (tires, flower pots, etc.).
- When not in use, turn over items such as wading pools, recycling boxes, wheelbarrows and boats/canoes.
- Clean and chlorinate swimming pools, outdoor saunas and hot tubs and cover if not in use.
- Aerate ornamental ponds, or stock self-contained ponds with mosquito-eating fish (goldfish, koi, etc.).
- Cover rainwater barrels with a fine mesh or screen.
- Ensure doors and windows have tight-fitting screens and are in good repair.



### Still have questions?

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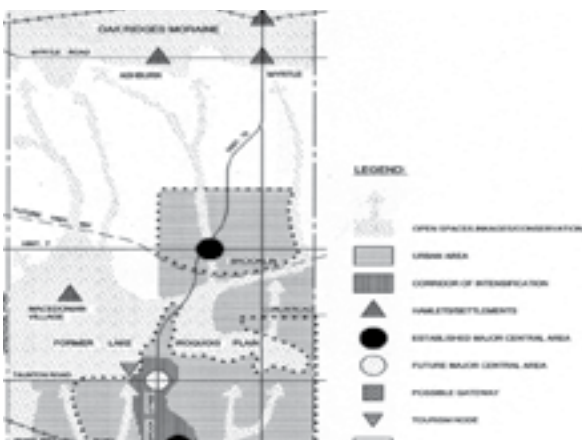


# Zoning

The Town of Whitby's Zoning By-laws regulate a number of activities and uses on private property.

## A General Guide

- Sheds and accessory structures may only be built in side yards or backyards and must be setback at least 0.6 meters (2 ft. 0 in.) from property lines.
- Generally, sheds and accessory structures cannot exceed 4.5 meters (14 ft. 7 in.) in height.
- Sheds and accessory structures exceeding 15 square meters (161 sq. ft.) in floor area require a building permit prior to beginning construction.
- Home based businesses are permitted in any zone which permits a dwelling unit, subject to certain conditions.
- Large scale businesses must be located in commercial or industrial zones.
- Vehicles are not permitted to be parked on front lawns. They can't park on lawns in the backyard or side yard, not unless it's a stable surface.
- Vehicles and trailers have maximum length and height restrictions in residential areas.



## Still have questions?

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