

CITY OF TORONTO

BY-LAW 662-2021

To amend City of Toronto Municipal Code Chapter 27, Council Procedures, and Chapter 489, Grass and Weeds, to modernize regulations on vegetative growth.

Whereas under sections 7 and 8 of the City of Toronto Act, 2006 (the "Act"), the City may pass by-laws in respect of the health, safety and nuisance matters and the economic, social and environmental well-being of the City; and

Whereas Council has authorized regulations that will modernize existing regulations on vegetative growth in the City to streamline processes and support biodiversity while protecting the health and safety of all residents;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 489, Grass and Weeds, is amended by:
 - (a) changing the name of Municipal Code Chapter 489 from "Grass and Weeds" to "Turfgrass and Prohibited Plants", and amending all references to the Chapter accordingly.
 - (b) adding the following definition to § 489-1:

TURFGRASS – Ground cover of various perennial grasses grown for lawns, of a type that forms a dense, uniform turf if mown.
 - (c) amending § 489-2 by:
 - (1) replacing the term "grass and weeds" with the term "turfgrass" and deleting the phrase "and removing the cuttings" from subsection A so it reads as follows:
 - A. The owner or occupant of private land shall cut the turfgrass on their land whenever the growth of turfgrass exceeds 20 centimetres in height.
 - (2) deleting subsection B.

- (d) adding a new § 489-2.1 as follows:

§ 489-2.1. Maintenance of vegetative growth.

- A. The owner or occupant of private land shall maintain all vegetative growth on their land according to the following requirements:
- (1) Private land shall be kept free of any local weed listed in Schedule A;
 - (2) Vegetative growth on private land shall not obstruct sidewalks or roadways;
 - (3) Vegetative growth on private land shall not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices; and
 - (4) Any other conditions respecting health and safety as the Executive Director considers advisable.

- (e) deleting § 489-3, § 489-4 and § 489-6.

- (f) adding new sections § 489-3.1, § 489-3.2, § 489-3.3 and § 489-3.4 as follows:

§ 489-3.1. Offences.

- A. Every person who contravenes any provision of this Chapter, or a notice of violation or direction or order issued in accordance with this Chapter, is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. In addition to a fine or fines provided for in this section every person who gains an economic advantage or economic gain from contravening this Chapter, or a notice of violation or direction or order issued in accordance with this Chapter, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this Chapter who:
- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this Chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;

- (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this Chapter.
- D. Where a corporation contravenes any of the provisions of this Chapter, or a notice of violation or direction or order issued in accordance with this Chapter, every director or officer who concurs in such contravention is guilty of an offence and, upon conviction, is liable to a fine of no more than \$100,000.
- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§ 489-3.2. Entry to inspect.

- A. In accordance with section 376 of the City of Toronto Act, 2006, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
 - (1) This Chapter; or
 - (2) A notice or order issued in accordance with this Chapter.
- B. For the purposes of an inspection under Subsection A, an officer may:
 - (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;
 - (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
 - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§ 489-3.3. Orders to comply.

- A. An officer who finds a contravention of this Chapter may make one or more orders requiring discontinuance of the contravening activity or to do

work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.

- B. An order or notice of violation may be of immediate effect should the Executive Director determine that a delay would result in circumstances that endanger the health or safety of any person or similarly serious consequences.
- C. The order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- D. If there is evidence that a person is not the registered property owner or occupant, the notice may be served on both the registered property owner or occupant and the person.
- E. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection C, a placard stating the terms of the order and placed in a conspicuous place upon the land shall be deemed to be sufficient notice to the owner or occupant.
- F. If the delay necessary to serve an order or notice of violation under Subsection C would result in circumstances that endanger the health or safety of any person or similarly serious consequences, the order or notice of violation may be served by a placard stating the terms of the order or notice of violation and placed in a conspicuous place upon the land.

§ 489-3.4. Remedial action.

If a person fails to comply with an order to do work to correct a contravention of this Chapter, the Executive Director or General Manager, or persons acting upon either of their instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

- (g) renumbering § 489-5 as § 489-4.
- (h) adding a new Schedule A as follows:

SCHEDULE A PROHIBITED LOCAL WEEDS

Canada thistle (*Cirsium arvense*)
 Common buckthorn; Glossy buckthorn (*Rhamnus cathartica*; *Frangula alnus*)
 Dog-strangling vine (*Cynanchum rossicum*; *Cynanchum louiseae*)
 Garlic mustard (*Alliaria petiolata*)
 Giant hogweed (*Heracleum mantegazzianum*)
 Japanese knotweed (*Reynoutria japonica* var. *japonica*)

Phragmites (*Phragmites australis subsp. australis*)
Poison ivy (*Toxicodendron radicans*)

Purple loosestrife (*Lythrum salicaria*)
Ragweed (*Ambrosia artemisiifolia*)

2. City of Toronto Municipal Code Chapter 27, Council Procedures, is amended by deleting § 27-18.4A(2).
3. This by-law shall come into force on January 1, 2022.

Enacted and passed on July 16, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)