

TORONTO MUNICIPAL CODE
CHAPTER 489, TURFGRASS AND PROHIBITED PLANTS

Chapter 489

TURFGRASS AND PROHIBITED PLANTS¹

§ 489-1. Definitions.

§ 489-2. Maximum height.

§ 489-2.1. Maintenance of vegetative growth.

§ 489-3. Reserved.

§ 489-3.1. Offences.

§ 489-3.2. Entry to inspect.

§ 489-3.3. Orders to comply.

§ 489-3.4. Remedial action.

§ 489-4. Exemptions.

§ 489-6. Reserved.

Schedule A Prohibited Local Weeds

[HISTORY: Adopted by the Council of the City of Toronto 2004-04-16 by By-law No. 255-2004.² Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance - See Ch. 623.

Property standards - See Ch. 629.

Trees - See Ch. 813.

Weed Control Act - See R.S.O. 1990, c. W.5.

¹ Editor's Note: By-law 662-2021 changed to name of Chapter 489 from "Grass and Weeds" to "Turfgrass and Prohibited Plants". By-law 662-2021 came into force on January 1, 2022.

² Editor's Note: This by-law was passed under the authority of sections 127, 128, 130 and 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25. Section 2, Transition, of this by-law, stated: A. A by-law listed in Section 3 continues to apply for purposes of any notice given under the by-law until the work required by the notice is completed or any enforcement proceedings in respect of the notice have been concluded; B. Where a person is alleged to have contravened a by-law listed in Section 3 before the date this By-law comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded. Section 3, Repeal, of this by-law repealed the following by-laws: Former City of Etobicoke Municipal Code Chapter 167, Long Grass, Cutting of; former City of North York By-law No. 30822, "A By-law to require the owners or occupants of private property to cut grass and weeds on their lands and remove the cuttings," as amended; former City of Toronto Municipal Code Chapter 202, Grass and Weeds; Clause 2(a) of former City of York By-law No. 2683-93, "To require the cutting of grass and weeds on private property and adjacent highways," as amended and codified as section 803.2.1 former City of York Municipal Code Chapter 803, Grass and Weeds.

TORONTO MUNICIPAL CODE
CHAPTER 489, TURFGRASS AND PROHIBITED PLANTS

§ 489-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EXECUTIVE DIRECTOR - The Executive Director, Municipal Licensing and Standards, or his or her designate. **[Added 2013-02-21 by By-law No. 238-2013]**

OFFICER - A City employee whose duties include the enforcement of this chapter.

OWNER - Includes:

- A. The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- B. A lessee or occupant of the land who, under the terms of a lease, is required to repair and maintain the land.

TURFGRASS - Ground cover of various perennial grasses grown for lawns, of a type that forms a dense, uniform turf if mown. **[Added 2021-07-16 by By-law 662-2021³]**

§ 489-2. Maximum height.

- 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 or length. **[Amended 2021-07-16 by By-law 662-2021⁴; 2021-10-04 by By-law 800-2021⁵]**
- B. Reserved.⁶

§ 489-2.1. Maintenance of vegetative growth.

[Added 2021-07-16 by By-law 662-2021⁷]

- 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 Editor's Note: By-law 662-2021 came into force on January 1, 2022.

⁴ Editor's Note: By-law 662-2021 came into force on January 1, 2022.

⁵ Editor's Note: By-law 800-2021 amended By-law 662-2021, which came into force on January 1, 2021.

⁶ Editor's Note: Section 482-2B, respecting the term "grass and weeds" in this Section, was deleted by By-law 662-2021. By-law 662-2021 came into force on January 1, 2022.

⁷ Editor's Note: By-law 662-2021 came into force on January 1, 2022.

TORONTO MUNICIPAL CODE
CHAPTER 489, TURFGRASS AND PROHIBITED PLANTS

- (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.

§ 489-3. Reserved.⁸

§ 489-3.1. Offences.

[Added 2021-07-16 by By-law 662-2021⁹]

- 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.

⁸ Editor's Note: By-law 662-2021 deleted former Section 489-3. Notice to comply. By-law 662-2021 came into force on January 1, 2022.

⁹ Editor's Note: By-law 662-2021 came into force on January 1, 2022.

TORONTO MUNICIPAL CODE
CHAPTER 489, TURFGRASS AND PROHIBITED PLANTS

- 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.

[Added 2021-07-16 by By-law 662-2021¹⁰]

- 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.

[Added 2021-07-16 by By-law 662-2021¹¹]

- 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.

¹⁰ Editor's Note: By-law 662-2021 came into force on January 1, 2022.

¹¹ Editor's Note: By-law 662-2021 came into force on January 1, 2022.

TORONTO MUNICIPAL CODE
CHAPTER 489, TURFGRASS AND PROHIBITED PLANTS

- 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.

[Added 2021-07-16 by By-law 662-2021¹²]

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.

§ 489-4. Exemptions.¹³

Nothing in this chapter shall affect:

- A. Any right or duty of the City with respect to any highway right of way; or
- B. The application and enforcement of the *Weed Control Act* with respect to noxious weeds growing on land, including within a natural garden.

¹² Editor's Note: By-law 662-2021 came into force on January 1, 2022.

¹³ Editor's Note: By-law 662-2021 deleted former Section 489-4. Failure to comply; removal by City; costs. By-law 662-2021 also renumbered former Section 489-5 as Section 489-4. By-law 662-2021 came into force on January 1, 2022.

TORONTO MUNICIPAL CODE
CHAPTER 489, TURFGRASS AND PROHIBITED PLANTS

§ 489-6. Reserved.¹⁴

¹⁴ Editor's Note: By-law 662-2021 deleted former Section 489-6. Offences. By-law 662-2021 came into force on January 1, 2022.

TORONTO MUNICIPAL CODE
CHAPTER 489, TURFGRASS AND PROHIBITED PLANTS

Schedule A
Prohibited Local Weeds

[Added 2021-07-16 by By-law 662-2021¹⁵]

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*)

¹⁵ Editor's Note: By-law 662-2021 came into effect on January 1, 2022.