

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 125-2022

A By-law to prescribe the standards for maintenance for all Properties within the City of Vaughan with respect to Grass height, Weeds and Natural Gardens.

WHEREAS section 11(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 allows municipalities to pass by-laws respecting the environmental well-being of the municipality, and the health and safety of persons;

AND WHEREAS the *City* has brought forward this by-law to manage long *Grass* and *Weeds* in a rapid manner, to mitigate any health, safety and nuisance issues;

AND WHEREAS section 425(1) of *Municipal Act, 2001*, S.O. 2001, c. 25 allows municipalities to pass by-laws, in which persons who are not compliant with a by-law are guilty of an offence;

AND WHEREAS section 429(1) of *Municipal Act, 2001*, S.O. 2001, c. 25 enables municipalities to establish a system of fines for offences under a by-law;

AND WHEREAS section 434.1(1) through (3) of *Municipal Act, 2001*, S.O. 2001, c. 25 enables municipalities to establish a system of administrative penalties to encourage compliance with a by-law that are not punitive;

AND WHEREAS section 435 of *Municipal Act, 2001*, S.O. 2001, c. 25 establishes the conditions under which the *City's Enforcement Officers* may enter onto private *Property*;

AND WHEREAS section 436 of *Municipal Act, 2001*, S.O. 2001, c. 25 provides municipalities with the authority to pass by-law which allows its staff to enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law is being complied with;

AND WHEREAS section 438 of *Municipal Act, 2001*, S.O. 2001, c. 25 states that municipalities may establish by-laws in which inspections can be undertaken to evaluate compliance with the by-law;

AND WHEREAS sections 441 and 441.1 of *Municipal Act, 2001*, S.O. 2001, c. 25, state that a municipality can add unpaid fines to the tax roll of the *Property* of the *Person* who owes them;

AND WHEREAS sections 444 and 445 of *Municipal Act, 2001*, S.O. 2001, c. 25, state that a municipality can order someone in contravention of a by-law to discontinue the contravening activity or to order this *Person*, a *Property Owner* or occupant, or someone who caused or permitted the contravening activity to correct the contravention;

AND WHEREAS the *Provincial Offences Act*, R.S.O. 1990, c. P.33 establishes rules for governance of provincial offences and judicial proceedings and penalties;

AND WHEREAS section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, states that a municipal Council may appoint persons to enforce municipal by-law;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1.0 Authority and Short Title

1. This By-law shall be known as the Long *Grass* and Weeds By-law.

2.0 Applicability and Scope

1. The provisions of this by-law apply to all *Properties* within the *City*.
2. Where any provision of this by-law is in conflict with a provision of any other *City* by-law, the more restrictive provision shall prevail.

3.0 Definition and Interpretation

1. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
2. Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(3) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
3. For the purposes of this by-law:
 - “*Administrative Monetary Penalties By-law*” refers to the *Administrative Monetary Penalties By-law* 063-2019, as amended, or its successor by-law;
 - “*Boulevard*” means that part of a *Highway* that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled portion of the road and the adjoining *Property* line;

“*City*” means the Corporation of the *City* of Vaughan;

“*Designated By-law*” has the same meaning as in the *Administrative Monetary Penalties By-law*;

“*Enforcement Officer*” means a *Person* appointed by the Council of the *City* as a Municipal Law *Enforcement Officer*, pursuant to section 15 of the *Police Services Act*, to enforce the provisions of this By-law, or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police;

“*Grass*” means vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns, such as, but not limited to, plants of the Gramineae family;

“*Ground Cover*” means low growing vegetation, other than *Grass*;

“*Highway*” includes a common and public *Highway*, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral *Property* lines thereof;

“*Municipal Act*” refers to the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, or its successor regulation;

“*Owner*” includes the *Owner* of the *Property*, as well as a lessee that is required to repair and maintain the *Property*;

“*Person*” includes an individual, firm, corporations, association, partnership, trust, unincorporated organization or the heirs, executors, administrators or other legal representatives of a *Person*;

“*Police Services Act*” refers to *Police Services Act*, R.S.O. 1990, c. P.15, as amended, or its successor regulation;

“*Property*” means a building or structure or part of a building or structure and includes its *Yard* and all mobile structures, outbuildings, and fences on the *Property*;

“*Provincial Offences Act*” refers to the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended, or its successor regulation;

“*Weed Control Act*” refers to the *Weed Control Act*, R.S.O. 1990, c. W.5, as amended, or its successor regulation;

“*Vacant Lot*” means a *Property* that does not have a building or structure;

“*Yard*” means the land, other than publicly owned land, that is part of a *Property*, such as the land around any part of a building or structure, but also includes a *Vacant Lot*.

4.0 General Provisions

1. The *Owner* of private land shall cut the *Grass*, *Weeds* and other *Ground Cover* on the *Owner’s* land and adjacent *Boulevard* and remove the cuttings whenever their growth exceeds twenty (20) centimetres (approximately eight (8) inches) in height.
2. Notwithstanding 4.0(1), the *Owner* is not required to cut and/or remove the *Grass*, *Weeds* or other *Ground Cover* on the adjacent *Boulevard* if this is done so by the *City*.

5.0 Orders and Enforcement

1. Any *Person* who contravenes or fails to comply with any provision of this by-law is guilty of an offence.
2. An *Enforcement Officer* who finds a contravention of this by-law may give a written order to the *Owner* of the *Property* requiring compliance with this By-law and/or to do work to correct the contravention of this By-law within the time period specified in the order, but no sooner than seventy-two (72) hours after the order is given.
3. The order in 5.0(2) may be served in *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 fifth day after it is mailed.
4. If there is evidence that the *Person* in possession of the *Property* is not the *Property Owner*, the order in 5.0(2) shall be served on both the *Property Owner* and the occupant.
5. If the address of the *Owner* is unknown, or the *City* is unable to serve the *Owner* or occupant under section 5.0(2), a placard stating the terms of the order in 5.0(2) shall be placed in a conspicuous place on the *Property* and shall be deemed to be sufficient notice to the *Owner*.
6. No *Person* shall hinder or obstruct or attempt to hinder or obstruct the *City* or its *Enforcement Officers* from carrying out any powers or duties under this By-law.

6.0 Fines

1. Every *Person* who is guilty of an offence under this By-law may be subject a fine under the *Municipal Act*, such that:
 - (a) a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all fines for each included offence is not limited to \$100,000.
2. Every *Person* who is issued a fine under this By-Law may request a review of the matter in accordance with the Provincial Offences Act.

7.0 Administrative Monetary Penalties

1. Instead of issuing a fine under the *Municipal Act* for an offence of this By-law, an *Enforcement Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
2. If a *Person* is required to pay an administrative monetary penalty under subsection 7.0(1), no fine shall be laid against that same *Person* for the same violation.
3. The amount of the administrative monetary penalty for a breach under this Bylaw is listed is \$250.
4. A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*.
5. Every *Person* who is issued an administrative monetary penalty under this By-Law may request a review of the matter in accordance with the *Administrative Monetary Penalties By-law*.

8.0 Cost Recovery and Unpaid Fines and Penalties

1. Where the *City*, its employees or authorized agents have performed the work required to bring the *Property* into compliance with the by-law, all expenses

incurred by the *City* in doing the work as well as any related fees, shall be deemed to be a debt to the *City* and may be collected by the *City* or added to the tax roll for the *Property* and collected in the same manner as taxes.

2. The treasurer of a municipality may add any unpaid fine or administrative monetary penalty to the tax roll for any *Property* in the local municipality of which all of the *Owners* are responsible for paying the fine and collect it in the same manner as municipal taxes.

9.0 Designation

1. Schedule 1 of the *Administrative Monetary Penalties By-law*, as amended, is hereby amended by including this By-law as a *Designated By-law*.

10.0 Force and Effect

1. This By-law shall come into force and effect upon the date it is passed by Council.

Enacted by City of Vaughan Council this 28th day of June, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk