



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA NUISANCE WEED AND TALL GRASS CONTROL BY-LAW 125-17

(amended by 196-17, 266-17)

**WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*") gives municipalities the capacity, rights and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** sections 8 and 11 of the *Municipal Act, 2001* provide the City with broad authority to provide any service or thing that the City considers necessary or desirable for the public;

**AND WHEREAS** City Council has the authority to pass by-laws respecting matters related to public highways under its jurisdiction under subsection 27(1) of the *Municipal Act, 2001*;

**AND WHEREAS** section 127(a) of the *Municipal Act, 2001* enables a municipality to pass by-laws requiring the owner of lands to clean and clear the land and section 127(b) enables a municipality to regulate how matters under section 127(a) shall be done;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* enables a municipality to pass by-laws which prohibit and regulate public nuisances, including matters which in the opinion of Council are or could become or cause public nuisance;

**AND WHEREAS** nuisance weeds may result in allergic reactions or health problems for individuals and can disrupt ecological systems and nuisance weeds have an impact on the health, safety and well-being of the inhabitants of the City and the natural environment;

**AND WHEREAS** tall grass and nuisance weeds may pose a risk to safety and fire safety, may impair visual sight lines, may create habitats for mosquitos, rodents or other insects and animals and contributes to neighbourhood blight;

**AND WHEREAS** Council deems tall grass and nuisance weeds to be a public nuisance;

**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 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** the City regulates its public highways as a necessary and desirable service to the citizens of Mississauga;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga ENACTS as follows:

**DEFINITIONS**

1. In this By-law,

**“Boulevard”** means the part of a public street that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the road and the adjoining property line;

**“By-law Enforcement Officer”** means the Manager of Enforcement, the Manager of Urban Forestry, Boulevard Maintenance and Weed Control Inspectors or a person appointed by by-law as a Municipal Law Enforcement Officer;

**“Commissioner”** means the Commissioner of Community Services or his or her designate;

**“Corporation” and “City”** both mean the Corporation of the City of Mississauga;

**“Council”** means the Council of the Corporation of the City of Mississauga;

**“Destroy”** includes to pull or remove the weeds, cutting the weeds at their roots or stalks before the weed seeds have developed sufficiently to ripen after cutting, or plowing or cultivating the soil in which the plants are growing;

**“Land”** includes any private property, premises, grounds, yards or vacant lot;

**“Nuisance Weed”** means any of the noxious weeds designated under the *Weed Control Act*, R.S.O. 1990 c. W.5 as set out in Schedule “A” attached hereto, and includes any other weed designated as a local noxious weed under a by-law of the City passed under that act; (266-17)

**“Owner of Lands”** includes the registered owner, occupant, tenant, person in charge of the premises or lands, or the person for the time being managing or receiving the rent of the lands whether on his/her own account or on the account of an agent or trustee of any other person or any of the aforesaid;

**“Street”** means a highway as defined in the *Municipal Act, 2001*; and

**“Tall Grass”** includes any grasses which exceed 20 centimetres in height.(266-17)

**SCOPE**

2. This By-law shall apply to all land in the City, save and except for any lands owned by: (196-17)

- a) the Corporation of the City of Mississauga (not including City owned Boulevards);
- b) the Regional Municipality of Peel;

- c) school board; and
- d) any other government authority or utility corporation

### **ADMINISTRATION AND ENFORCEMENT**

- 3. The Commissioner is responsible for the administration and enforcement of this By-law, and may appoint delegates or assign duties to City staff under this By-law.
- 4. City staff who carry out any action under this By-law are deemed to be authorized staff for the purposes of this By-law, in the absence of evidence to the contrary.

### **REQUIREMENTS**

- 5. Every Owner of Land shall cut and maintain tall grass to a height not exceeding 20 centimetres.(266-17)
- 6. Every Owner of Land shall destroy and remove all Nuisance Weeds and Nuisance Weed Seeds on their Lands. (266-17)
- 7. Every Owner of Land shall maintain the adjoining Boulevard at their expense, and shall cut and maintain tall grass to a height not exceeding 20 centimetres. (266-17)
- 8. Every Owner of Land 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.

### **MUNICIPAL RESPONSIBILITIES**

- 9. The responsibility of the Owner of Land to maintain the Boulevard as described in Section 7 of this By-law does not apply to: (196-17)
  - (a) medians and traffic islands located in Streets;
  - (b) street trees, hedges, shrubs and maintained natural gardens planted by the Corporation; and
  - (c) Boulevards owned and maintained by the City; and
  - (d) where, in the opinion of the Commissioner, the Owner of Lands of the adjoining Land cannot maintain the Boulevard due to steep grades, walls, fences, or other constraints.

### **USING BOULEVARDS FOR MUNICIPAL PURPOSES**

- 10. Nothing in this By-law shall prevent the Commissioner from altering, opening or otherwise using any Boulevard for municipal purposes.

### **ENFORCEMENT**

- 11. A By-law Enforcement Officer who finds land which does not comply with the requirements of this By-law may order the Owner of the Land, by way of issuing a Notice of Contravention, to bring the Land or Boulevard into conformity with the provisions of this By-law within the time set out in the Notice.

12. The Notice of Contravention shall be served upon the Owner of Land by personal service or by mailing a copy of the Notice by prepaid first class mail or registered mail to the last known address noted on the tax assessment roll.
13. Service by prepaid first class mail or registered mail shall be deemed to be effective on the fourth day after the Notice is mailed. (266-17)
14. If there is evidence that the person in possession of the Land is not the registered property owner of the Land then the Notice shall be served on both the registered property owner and the person in possession of the Land.
15. Where an Owner of Land, who has been served with a Notice of Contravention under Section 11 herein, fails to comply with the Notice, then a By-law Enforcement Officer or the Corporation's employees or any authorized agent on behalf of the Corporation may enter on the Land at any reasonable time and complete the work required to bring the Lands into compliance with the provisions of this By-law as set out in the Notice.
16. Where the Corporation has performed the work required to bring the Lands into compliance with the By-law, the expenses incurred in doing the work may be collected by action or the costs may be added to the tax roll for the Lands and collected in the same manner as taxes.

#### **OFFENCES**

17. Every person who contravenes any of the provisions of this By-law or who obstructs or attempts to obstruct a By-law Enforcement Officer in carrying out his or her duties under this By-law is guilty of an offence and is liable, upon conviction to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as both may be amended from time to time.

#### **VALIDITY AND INTERPRETATION**

18. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
19. If a court of competent jurisdiction declares any provisions or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

#### **EFFECTIVE DATE & REPEAL**

20. This By-law shall come into force and effect on the date that it is enacted.
21. By-law Number 0267-2003, as amended is hereby repealed.

#### **PART XVI: SHORT TITLE**

22. This By-law may be referred to as the "Nuisance Weed and Tall Grass Control By-law"

**ENACTED AND PASSED this 5<sup>TH</sup> day of July, 2017.**  
**Signed by Bonnie Crombie, Mayor and Crystal Greer, City Clerk**

**SCHEDULE "A"**  
**TABLE OF NUISANCE WEEDS**

<b><u>ITEM</u></b>	<b><u>COMMON NAME</u></b>	<b><u>SCIENTIFIC NAME</u></b>
1.	Black Dog-strangling Vine	<i>Vincetoxicum nigrum</i> (L.) Moench
2.	Buckthorn, European	<i>Rhamnus cathartica</i> L.
3.	Coltsfoot	<i>Tussilago farfara</i> L.
4.	Common Barberry	<i>Berberis vulgaris</i> L.
5.	Common Crupina	<i>Crupina vulgaris</i> , Cass.
6.	Cypress Spurge	<i>Euphorbia cyparissias</i> L.
7.	Dodder spp.	<i>Cuscuta</i> spp.
8.	Dog-strangling Vine	<i>Vincetoxicum rossicum</i> (Kleopow) Barbar.
9.	Giant Hogweed	<i>Heracleum mantegazzianum</i> Sommier & Levier
10.	Hemlock, poison	<i>Conium maculatum</i> L.
11.	Jointed goatgrass	<i>Aegilops cylindrica</i> Host
12.	Knapweed spp.	<i>Centaurea</i> spp.
13.	Kudzu	<i>Pueraria montana</i> (Lour.) Merr.
14.	Leafy Spurge	<i>Euphorbia esula</i> L.
15.	Poison-ivy	<i>Toxicodendron radicans</i> (L.) Kuntze
16.	Ragweed spp.	<i>Ambrosia</i> spp.
17.	Serrated tussock	<i>Nassella trichotoma</i> Hackel ex Arech.
18.	Smooth bedstraw	<i>Galium mollugo</i> L.
19.	Sow-thistle spp.	<i>Sonchus</i> spp.
20.	Tansy Ragwort	<i>Senecio jacobaea</i> L.
21.	Thistle, Bull	<i>Cirsium vulgare</i> (Savi) Tenore
22.	Thistle, Canada	<i>Cirsium arvense</i> (L.) Scopoli
23.	Wild chervil	<i>Anthriscus sylvestris</i> (L.) Hoffmann
24.	Wild parsnip	<i>Pastinaca sativa</i> L.
25.	Woolly Cupgrass	<i>Eriochloa villosa</i> (Thunb.) Kunth