

JUNE

2021

BYLAWS FOR BIODIVERSITY:

MODEL BYLAW

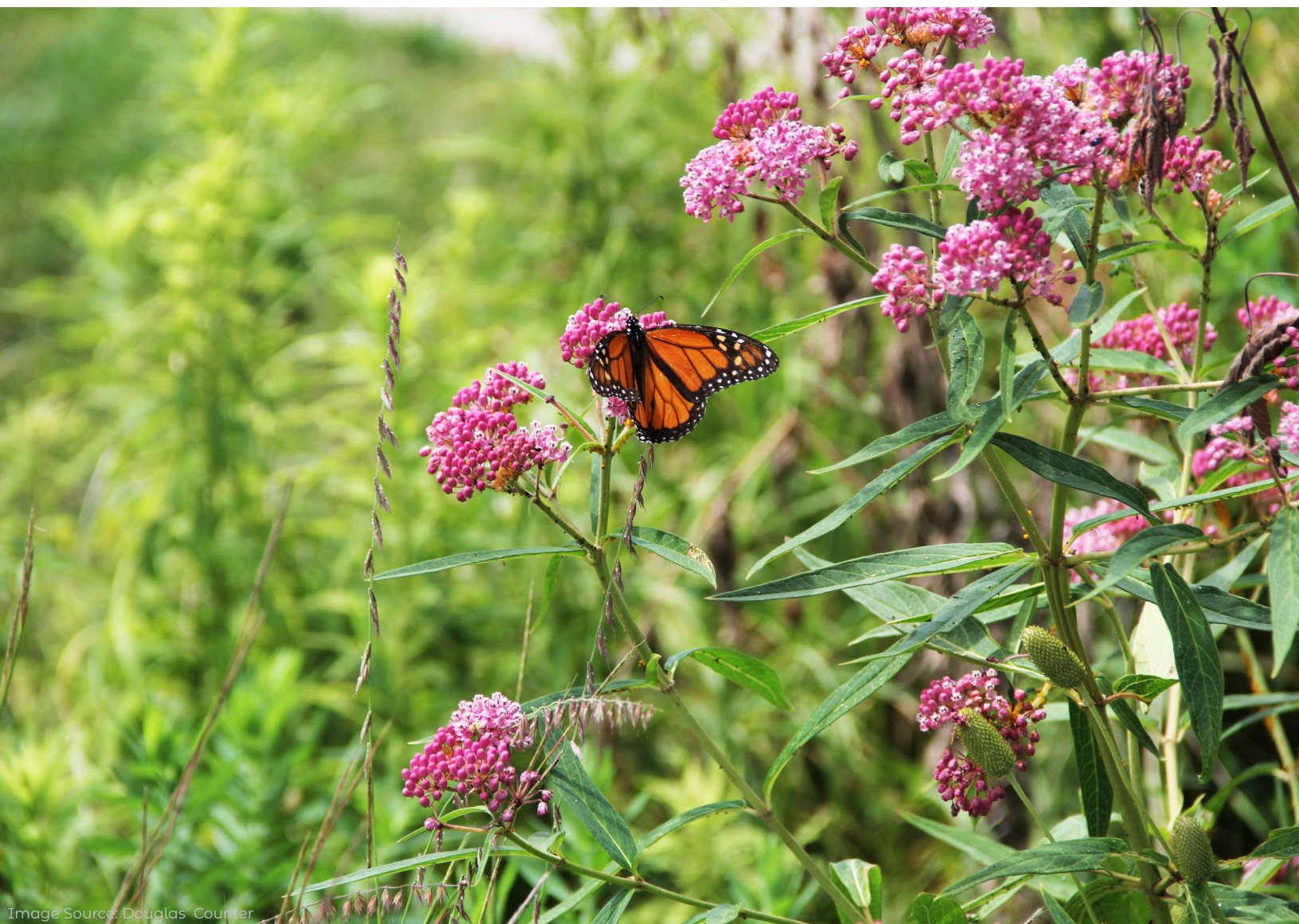


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MODEL BY-LAW EXAMPLE

Note: The following example amends Municipal Code, Chapter 489, Grass and Weeds, with the recommendations made in this paper. This model by-law is to be used as an example for how the City of Toronto can revise Municipal Code, Chapter 489, Grass and Weeds in their by-law review.

TORONTO MUNICIPAL CODE CHAPTER 489, LANDSCAPE STANDARDS

Chapter 489 Landscape Standards

§ 489-1. Definitions.

§ 489-2. Landscape Regulations.

§ 489-3. Notice to comply.

§ 489-4. Failure to comply; removal by City; costs.

§ 489-5. Offences.

GENERAL REFERENCES

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

§ 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]

LOT – Means a parcel of land in the City

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.

TORONTO MUNICIPAL CODE CHAPTER 489, LANDSCAPE STANDARDS

TURFGRASS – Any of the various grass species typically grown for lawns; of a type that forms a dense, even turf when mown (i.e. Kentucky Bluegrass, Perennial Ryegrass, Fine Fescue).

WEEDS – any of the 25 species currently designated in the *Ontario Weed Control Act, R.S.O. 1990, c. W.5*, and/or any of the species designated as local weeds by the City of Toronto.

§ 489-2. Landscape standards.

A. No owner or occupant of private land shall have, or be permitted to have, any noxious weeds designated under the Ontario Weed Control Act and/or any designated local weeds by the City of Toronto on their Lot.

B. The owner or occupant of private land on which Turfgrass is grown, as defined in this by-law, shall cut Turfgrass on their Lot whenever the growth of the Turfgrass exceeds 20 centimetres in height.

489-3. Notice to comply.

A. Any complainant who claims that a private land is in contravention of this by-law is required to identify which harmful species are present and the specific risk or harm they pose. An officer who finds private land in contravention of this chapter may give written notice to the owner or occupant of the land requiring compliance with this chapter within the time period specified in the notice but no sooner than 72 hours after the notice is given.

B. The notice 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.

C. If there is evidence that the person in possession of the land is not the registered property owner, the notice shall be served on both the registered property owner and the person in possession of the land.

D. If the address of the owner or occupant is unknown or the City is unable to effect service on the owner or occupant under Subsection B, a placard stating the terms of the notice and placed in a conspicuous place upon the land shall be deemed to be sufficient notice.

TORONTO MUNICIPAL CODE CHAPTER 489, LANDSCAPE STANDARDS

§ 489-4. Failure to comply; removal by City; costs.

A. If an owner or occupant fails to comply with a notice given under § 489-3, the Executive Director may enter upon the lands at any time between sunrise and sunset for the purposes of doing the things described in the notice. [Amended 2013- 05-10 by By-law No. 582-2013]

B. Costs incurred by the City in doing the work required to be done by the notice may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

§ 489-5. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.