



By-law Number 0267-2003

**A by-law to prescribe standards for maintenance of
nuisance weeds and tall grasses on private lands**

WHEREAS nuisance weeds may result in allergic reactions or health problems for individuals and can disrupt ecological systems;

AND WHEREAS 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 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act*") 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 section 127 (a) of the *Municipal Act* 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* 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 section 130 of the *Municipal Act* enables a municipality to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS section 427(1) of the *Municipal Act* enables a municipality that has authority by by-law or otherwise to direct or require a matter or thing be done to in the same or another by-law direct that in default of the thing being done by the person directed or required to do it, such matter or thing shall be done at the person's expense;

AND WHEREAS section 427(2) of the *Municipal Act* enables a municipality to enter upon land and into structures at any reasonable time for the purposes of Section 427(1);

AND WHEREAS section 427(3) of the *Municipal Act* enables a municipality to recover the costs of doing a thing or matter under Section 427(1) from the person directed or required to do it and the municipality may recover the costs by action or by adding the costs to the tax roll and collect them in the same manner as taxes;

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

SHORT TITLE

1. This By-law may be referred to as the “Nuisance Weed and Tall Grass Control By-law”

DEFINITIONS

2. In this by-law,

“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 By-law Enforcement Officer,

“Corporation” means the Corporation of the City of Mississauga,

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

“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,

“Nuisance Weed” means any of the weeds as set out in Schedule “A” attached hereto, or any other plant designated by by-law of the Corporation as a nuisance weed,

“Owner” 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,

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

“Tall Grass” includes any grasses which exceed 30 centimetres (12 inches) in height.

SCOPE

3. This by-law shall apply to all land in the City, save and except for any lands owned by the Corporation of the City of Mississauga, the Regional Municipality of Peel, School Boards or any other government authority or utility corporation.

ADMINISTRATION

4. The Commissioner shall be responsible for the administration and enforcement of this by-law.

REQUIREMENTS

5. Every owner of land shall cut and maintain tall grass to a height not exceeding 30 centimetres (12 inches).
6. Every owner of land shall destroy and remove all nuisance weeds and weed seeds on their lands.
7. 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.

ENFORCEMENT

8. 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 into conformity with the provisions of this by-law within the time set out in the Notice.
9. The Notice of Contravention shall be served upon the owner 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.
10. Service by prepaid first class mail or registered mail shall be deemed to be effective on the seventh day after the Notice is mailed.
11. 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.
12. Where an owner, who has been served with a Notice of Contravention under Section 8 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.
13. 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

14. 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 maximum fine as established pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P. 33.

SEVERABILITY

15. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

ENACTED AND PASSED this 9th day of July, 2003.

Signed: George Carlson, Acting Mayor Signed: Crystal Greer, City Clerk

Schedule "A"

TABLE OF NUISANCE WEEDS

ITEM	COMMON NAME	SCIENTIFIC NAME
1.	Buckthorn, European	<i>Rhamnus cathartica</i> L.
2.	Hemlock, poison	<i>Conium maculatum</i> L.
3.	Poison-ivy	<i>Rhus radicans</i> L.
4.	Ragweed spp.	<i>Ambrosia</i> spp.
5.	Sow-thistle, annual, perennial	<i>Sonchus</i> spp.
6.	Thistle, bull	<i>Cirsium vulgare</i> (Savi) Tenore
7.	Thistle, Canada	<i>Cirsium arvense</i> (L.) Scopoli
8.	Thistle, nodding, spp.	<i>Carduus</i> spp.
9.	Thistle, Russian	<i>Salsola pestifer</i> Aven Nelson
10.	Thistle, Scotch	<i>Onopordum acanthium</i> L.
11.	Garlic Mustard	<i>Alliaria petiolata</i>
12.	Creeping Charlie	<i>Glechoma hederalea</i>