



Staff Report for Committee of the Whole Meeting

Date of Meeting: March 18, 2019

Report Number: SRCS.19.08

Department: Community Services

Division: By-law & Licensing Enforcement

Subject: **SRCS.19.08 Grass and Weeds By-law 31-19**

Purpose:

To repeal the existing Long Grass and Weeds By-law No. 217-96, as amended and replace it with a new Grass and Weeds By-law No. 31-19.

Recommendations:

- a. That staff report SRCS.19.08 regarding the Grass and Weeds By-law be received;
- b. That the existing Long Grass and Weeds By-law No. 217-96, being Chapter 1025 of the Town of Richmond Hill Municipal Code, and all subsequent amendments be repealed, and, that the Grass and Weeds By-Law No. 31-19 attached as Appendix 1 to SRCS.19.08 be enacted.

Contact Person:

Tracey Steele, Director of By-law and Licensing Enforcement, Extension 2476

Chris Goode, By-law Policy Officer, Extension 2416

Report Approval:

Submitted by: Ilmar Simanovskis, Commissioner of Community Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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Background:

Municipalities require that property owners maintain their lawns for a variety of reasons. Well-maintained lawns contribute to a desirable neighbourhood aesthetic, prevent the spread of weeds, are less likely to contribute to airborne allergens, and mitigate the proliferation of nuisance wildlife in residential areas. The Town of Richmond Hill has been regulating the length of grass and weeds on private property since 1996 when the current Long Grass and Weeds By-law No. 217-96 was enacted. Grass maintenance requirements are consistent with the Town's aim to "Maintain a clean and safe community through education, community involvement and enforcement" as set out in the Corporate Strategic Plan.

The Town's current Long Grass and Weeds By-law, as amended has the following components:

- Maintenance Requirements – Every owner of private property in the Town is required to cut the grass and weeds on their premises, and remove the cuttings, whenever growth exceeds 20 centimetres in height between May 1 and October 15.
- Compliance – Where any premises is not in compliance with the maintenance requirements above, the Town may give notice to the owner directing that the premises be brought into compliance within a specified timeframe, which may not be less than 72 hours. If the owner does not comply within the specified period, the Town may enter onto the premises and carry out the required work.
- Recovery of Costs and/or Fines – If the Town carries out work on a property pursuant to this by-law, the Town can recover any expenses associated with the undertaking of that work by collecting the costs through property taxes. Alternatively, the Town has the ability to charge and owner of the premises pursuant to the Provincial Offences Act R.S.O. 1990, c. P.33.

The By-law and Licensing Enforcement Division opens more enforcement files associated with grass and weeds than any other by-law. In 2018, 793 enforcement files associated with long grass and weeds were opened. In comparison, in 2018 the By-law and Licensing Enforcement Division opened 556 files associated with property standards issues and 125 files associated with noise issues.

Since its enactment in 1996, the Long Grass & Weeds By-law has been subject only to minor housekeeping amendments (e.g., in 2008 "Municipal Law Enforcement Officer" was changed to "Municipal By-law Enforcement Officer") and has never been comprehensively reviewed.

In recent years, a number of concerns with the existing Long Grass & Weeds By-law have been identified as follows:

- Unlike in most other municipalities, the Town's by-law does not require property owners to maintain the highway boulevard adjacent to their property. This is having increasing operational resource implications as more and more property owners leave the boulevard for the Town to maintain;

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- The by-law does not provide exemptions for natural heritage lands or environmental lands;
- The term “weed” is not defined, which is increasingly problematic given trends in wildflower and naturalized gardening;
- The by-law only requires that grass and weeds be maintained to a 20 cm height limit from May 1 to October 15; however, seasonal variations often result in concerns outside this timeframe.

Discussion:

In 2018 Staff initiated a comprehensive review of the existing Long Grass and Weeds By-law. This work involved benchmarking with the grass/yard maintenance by-laws of other municipalities, review of statistics related to complaints and enforcement, discussion with staff across various Town Departments, and a web-based public survey to solicit input from Town residents.

The public survey was conducted from September 12th to October 6th of 2018. It was advertised on the Town website, on the Bulletin Board pages of the Liberal, and through Facebook, and received 520 responses from the public. Results of the survey included the following:

- 68% of respondents indicated that they were aware that the Town has a by-law requiring property owner to cut their grass when it reaches a height of 20 centimeters.
- 89% of respondents believe that property owners should be required to cut the grass on their property regularly.
- 22% of respondents indicated that they have made a complaint to the Town about grass or weeds in the past.
- 87% of respondents believe that residents should be required to cut grass on the Town-owned boulevard in front/beside their property (the other 13% indicated that they would be willing to pay extra, possibly through taxes, for this service).
- 66% of respondents indicated that grass becomes unsightly at, or before, it reaches 20 centimeters in height.

Proposed New Grass and Weeds By-law No. 31-19

The recommended new Grass & Weeds By-law No. 31-19 is attached to this report as Attachment 1. The proposed new by-law includes the following significant differences from the current Long Grass and Weeds by-law:

1. Clarified Terminology – In order to clarify what types of weeds are subject to the provisions of the by-law, and what constitutes a garden area that does not need to be mowed, the following definitions have been included in the by-law:
 - “Grass and Weeds” has been defined to be all forms of grass (with the exemption of ornamental grass within a “Garden”) and all noxious weeds and

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local weeds designated under the provincial *Weed Control Act*, R.S.O. 1990, c. W.5.

- “Garden” is defined to be “a clearly defined area of vegetation within Property that has been, or appears to have been, deliberately planted or cultivated with species of plants which may or not include wildflowers and ornamental grasses or combinations of them, consistent with a managed landscape;”
2. Exemptions for Environmental/Natural Heritage Lands – “Ditches” and “Natural Growth Areas” are exempt from the provisions of the by-law. These exemptions are provided for consistency with the Town’s environment and natural heritage protection goals and policies.
 3. Year-round Application of By-law Provisions – Similar to the existing by-law, the provisions of the recommended new Grass and Weeds By-law No. 31-19 prohibit property owners from permitting the grass and weeds on their property to exceed 20 centimetres in height. However, in the new by-law this requirement applies year round, not just to a limited seasonal timeframe.
 4. Boulevard Maintenance Requirement – By-law No. 31-19 requires that property owners maintain the grass and weeds on the boulevard adjoining their property so that it does not exceed 20 centimeters in height. This requirement is consistent with the requirements in almost all other Ontario municipalities investigated (with the exception of Uxbridge).
 5. Updated Administration and Enforcement Components – The administrative and enforcement aspects of the Grass and Weeds By-law have been updated to be consistent with current legislation (i.e., Municipal Act, S.O. 2001, c.25 authorities for power of entry, inspections, issuance of work orders, offences and penalties). It should be noted that Grass and Weeds By-law contraventions do not make good candidates for inclusion within the Administrative Monetary Penalty System (AMPS). It is much more efficient and effective to enforce the Grass and Weeds By-law through work orders, Town completion of work, and cost recovery, than via issuance of penalty notices (e.g., fines for non-compliance).

Implementation

Staff have developed a Communication Plan, for implementation of the new Grass and Weeds By-law. The Communications Plan includes advertising changes to the Grass and Weeds By-law on the Town’s website, the Bulletin Board pages of the Liberal, and through Social Media. Further special notice will be sent to the property owners who have been receiving Town maintenance of boulevards to ensure they are aware of the new boulevard maintenance requirements, which will directly affect them.

Financial/Staffing/Other Implications:

Approval of the proposed new Grass and Weeds By-law will have positive financial and staffing implications as a result of the new obligation for property owners to maintain the grass on the boulevard adjacent to their property.

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In 2017, the Town regularly maintained approximately 15.5 acres of land within approximately 120 boulevards. This was an approximately 10% increase in boulevard area requiring mowing compared to the 2015 growing season. In 2018, the number of boulevards that the Town needed to cut continued to increase to approximately 150 boulevards as residents recognized that, if their neighbor is not doing the maintenance, they do not need to either. Additionally, the boulevards requiring Town maintenance are spread out randomly across the municipality, which causes both administrative and logistical issues (e.g., tracking, travel time associated with getting from place to place). Resolution of boulevard complaints in new areas demands allocation of staff resources for call response, site inspection, creation of a work order, and follow-up with the complainant. At each stage in this process, resources are drawn from other aspects of public realm maintenance. The proposed new by-law requirement for residents to maintain boulevards will eliminate this draw on staff resources, as well as the financial expenditure associated with having a contractor perform the work.

Relationship to the Strategic Plan:

Ensuring that grass and weeds on private property and boulevards are maintained to an acceptable community standard is consistent with the Strategic Plan goal of “A More Vibrant Richmond Hill,” and the associated strategy of “creating a sense of identity and place through maintaining a clean and safe community through education, community involvement and enforcement.”

Through the provision of exemptions for natural heritage and environmental lands and the requirement for boulevard mowing, the proposed new Grass and Weeds By-law demonstrates “Wise Management of Resources.”

Conclusion:

The current Long Grass and Weeds By-law No. 217-96 has been in place since 1996. In recent years, a number of concerns with the existing by-law have been identified. As a result, Staff initiated a complete review of the by-law, which took place over the last year and included benchmarking with the by-laws of other municipalities, review of statistics related to complaints and enforcement, discussion with staff across various Town Departments, and a web-based public survey to solicit input from Town residents. As a result of the review, it is recommended that the existing by-law be repealed and replaced with a proposed new Grass and Weeds By-law No. 31-19, which is attached to this report as Attachment 1.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Attachment 1 – Proposed Grass and Weeds By-law 31-19

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Report Approval Details

Document Title:	SRCS.19.08 Grass and Weeds By-law.docx
Attachments:	- Grass and Weed By-law - Final Draft.docx
Final Approval Date:	Mar 4, 2019

This report and all of its attachments were approved and signed as outlined below:

Tracey Steele - Mar 4, 2019 - 9:36 AM

Ilmar Simanovskis - Mar 4, 2019 - 9:37 AM

Neil Garbe - Mar 4, 2019 - 10:50 AM