

The Corporation of the Town of The Blue Mountains

By-Law Number 2003 – 25

(Office Consolidation – Including By-law No. 2004-27, enacted May 3, 2004)

Being a By-law to regulate and prohibit long grass and noxious weeds on certain privately-owned land within the municipality.

Whereas Section 128 of the Municipal Act, 2001, and amendments thereto, enables the councils of local municipalities to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And Whereas Section 130 of the Municipal Act, 2001, and amendments thereto, enables the councils of local municipalities to pass by-laws to regulate matters related to health, safety and well-being of the inhabitants of the municipality;

And Whereas Section 427 (1) to (2) of the Municipal Act, 2001, and amendments thereto, authorizes an employee or agent of the municipality to enter onto land at any reasonable time to cause remedial work to be done if the owner is in default;

And Whereas Section 427 (3) to (4) of the Municipal Act, 2001, and amendments thereto, authorizes the municipality to recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

And Whereas the Council of the Corporation is of the opinion that long grass growing on privately-owned land within certain residential areas within the municipality is a public nuisance;

And Whereas the Council of the Corporation is of the opinion that noxious weeds growing on any privately-owned land within the municipality is a public nuisance and could affect the health and or well-being of the inhabitants of the municipality;

And Whereas Council of the Corporation of the Town of The Blue Mountains deems it expedient to pass a by-law to regulate and prohibit long grass and noxious weeds on certain privately-owned lands within the municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. This By-law may be cited as the “Long Grass and Noxious Weeds Control By- law”.

2. Definitions

In this By-law,

- i) “Corporation” means the Corporation of the Town of The Blue Mountains;
- ii) “long grass” means grass that exceeds a length, on average, of 250 mm (10 inches); (By-law No. 2004-27)
- iii) “Municipal By-law Officer” means an officer duly appointed by Council of the Corporation;
- iv) “noxious weeds” means any weed identified on Schedule “B” attached hereto or, any weed designated as a noxious weed by the Chief Weed Inspector for the Province of Ontario; and,
- v) “Residential Zone” means any land designated R1, R2, R3, R4, R5, R6, R7, R8, VR, RUR, ER, RR or RERa by Zoning By-law 83-40, as amended, or any land designated R1, R2, R3, RM1 or RM2 by Zoning By-law 10-77, as amended.

3. Prohibition – Long Grass

No person shall cause, permit or otherwise allow long grass to grow or remain on any privately-owned land in any Residential Zone.

4. Prohibition – Noxious Weeds

No person shall cause, permit or otherwise allow noxious weeds to grow or remain on any privately-owned land located in any Residential Zone or on any privately-owned land located within the hatched area indicated on Schedule "A" attached hereto.

5. Where Premises not Maintained – Notice

Where any privately-owned land is not maintained in accordance with Section 3 or 4 of this By-law, the Corporation may give the owner a notice, in writing, directing the owner of the premises to make the premises conform to the requirements of this By-law. The notice shall specify the time allowed for bringing the premises into conformity but in no event shall the time specified be sooner than seventy-two hours after the giving of the notice.

6. Service of Notice

The notice referred to in Section 5, may be either personally delivered to the owner, faxed to the last known facsimile number of the owner, or mailed by regular mail to the last known address of the owner. Service of the notice shall be deemed to have been given either upon the personal service of the notice, upon written or verbal confirmation by the owner of the receipt of the faxed notice or, in the instance of service by regular mail, five days following the date of mailing.

7. Service of Notice

In the event that the notice contemplated in Section 5 of this By-law has been served upon a property owner in accordance with Section 6 of this By-law, such notice will serve to be a notice requiring compliance with this By-law for the entire calendar year. (By-law No. 2004-27)

8. Non-Compliance with Notice - Work Done by The Corporation

Where an owner, having been provided with the notice referred to in Section 5, fails to comply with the notice, a Municipal By-law Officer or the Corporation's employees or agents authorized for this purpose may, upon producing appropriate identification, enter onto the premises at any time between sunrise and sunset and carry out the work described in the notice.

9. Collection of Expenses by Corporation

Where the Corporation, or the Corporation's agents, has performed the work set out in the notice, the expenses incurred by the Corporation in doing the work, together with administrative fees, shall be deemed to be taxes and may be collected by action or in like manner as municipal taxes.

10. Obstruction Prohibited

No person shall hinder, interfere or obstruct or attempt to obstruct a Municipal By-law Officer or an employee or agent of the Corporation in carrying out his or her duties under this By-law.

11. General

Schedules "A" and "B" are deemed to form part of this By-law.

12. Enforcement

Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a penalty as provided in the Provincial Offences Act.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Read a first and second time this 31st day of March, 2003.

Read a third time and passed this 31st day of March, 2003.

Ross Arthur, Mayor

Stephen Keast, Clerk