



Office Consolidation

Grass and Weed Cutting By-law 166-2011

To require the owners or occupants of private property to cut grass and weeds on their premises and remove the cuttings, and to repeal By-law 121-90

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended authorizes municipalities to pass by-laws for the economic, social and environmental well-being of the municipality

AND WHEREAS for these reasons, it is appropriate to require owners or occupants of Private Property to cut the grass and weeds on their lands and to remove the cuttings whenever the growth of grass or weeds exceeds twenty centimetres (20 cm) in height, or such greater height as the By-law may provide;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRAMPTON ENACTS AS FOLLOWS:

1. In this By-law:
 - (a) "Municipal By-law Officer" shall mean a Municipal Law Enforcement Officer appointed by the Council of the Corporation;
 - (b) "Corporation" means The Corporation of the City of Brampton;
 - (c) "Owner" means the owner, occupant, or person in charge of the premises;
 - (d) "Premises" includes Private Property and means any grounds, yards or vacant lots including a backyard swimming pool located on the Premises.
 - (e) "Private Property" means Premises not owned by the City, its Local Public Bodies and agencies; the Regional Municipality of Peel, its Local Public Bodies and agencies; the Toronto and Region Conservation Authority; Credit Valley Conservation; the Crown in Right of Ontario, and its boards, commissions and agencies; and the Crown in Right of Canada and its boards, commissions or agencies; and crown corporations.
2. Every Owner within the City of Brampton shall cut the grass and weeds on their Premises and remove the cuttings whenever the growth of grass or weeds exceeds twenty centimetres (20 cm) in height.
3. When any Premises are not maintained in accordance with the requirements of this By-law, the Municipal By-law Officer shall 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 and the notice shall specify the time allowed for bringing the Premises into conformity but the time specified in the notice shall not be sooner than seventy-two (72) hours after the giving of the notice.

4. The written notice referred to in section 3 of this By-law, from the Municipal By-law Officer may be either delivered to the Owner in person, or mailed by registered mail to the Owner at his or her last known address, and the notice shall be deemed to have been given on the day it is delivered to that address.
5. Wherever this By-law directs or requires anything to be done, in default of it being done by the person directed or required to do it, such thing may be done under the direction of the Municipal By-Law Officer at the expense of the Owner and the Corporation may recover the expense incurred in doing it by action or the same may be recovered in the same manner as municipal taxes in accordance with section 446 of the *Municipal Act, 2001*.
- 6(1) A Municipal By-law Officer may enter on Premises at any reasonable time for the purpose of carrying out an inspection under this By-law to determine whether or not the provisions of this By-law or a notice made under this By-law is being obeyed and to enforce and carry into effect the provisions of this By-law or notice made under this By-law.
- 6(2) For the purposes of an inspection referred to in subsection 6(1) the Municipal By-law Officer may,
 - (a) require the production for inspection of documents or things from any person relevant to the inspection;
 - (b) inspect and remove documents or things from any person relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 6(3) A sample taken under subsection 6(2) clause (d) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 6(4) If a sample is taken under subsection 6(2) clause (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
- 6(5) The Municipal By-law Officer shall provide a receipt for any document or thing removed under subsection 6(2) clause (b) and the document or thing shall be promptly returned after the copies or extracts are made.
- 6(6) Copies of or extracts from documents and things removed under subsection 6 (2) and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals.
- 7(1) A By-law Officer exercising a power of entry under section 6 of this By-law shall not enter or remain in any room or place actually being used as a dwelling unless, the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused.
- 7(2) If entry is refused, then the By-law Officer may only gain entry if the appropriate warrant or order is obtained under section 438, 439 or 386.3 of the *Municipal Act, 2001*
- 7(3) Notwithstanding subsection 7(2) if,
 - a.) the delay necessary to obtain an order under section 438 of the *Municipal Act, 2001*, or to obtain a warrant under section 439 of the

Municipal Act, 2001 or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person; or
b.) the municipality has given notice of its intention to enter to the occupier of the land as required under subsection 435 (2) and the entry is authorized under section 79, 80 or 446 of the *Municipal Act, 2001*.

8. Every person who contravenes any of the provisions of this By-law is guilty of an offence, and is liable, upon conviction, to a penalty of not more than Two Thousand Dollars (\$2,000.00), exclusive of costs, in respect of each offence.

9. By-law 121-90 is repealed.

READ a first, second and third time and PASSED in OPEN COUNCIL, this 22th day of June 2011.

THE CORPORATION OF THE CITY OF BRAMPTON

Original signed by:
Susan Fennell – Mayor
Peter Fay – City Clerk