

# Private Property Maintenance and Prohibited Plants Bylaw

Grass and Weed Cutting By-law 166-2011 Update  
August 6, 2024



# Background

## Brampton 2040 Vision (2018)

**Vision 1 (Sustainability and the Environment):** “In 2040, Brampton will be a mosaic of sustainable urban places, sitting within an interconnected green park network, with its people as environmental stewards – targeting ‘one-planet’ living”

## Brampton Official Plan (Office Consolidation 2020)

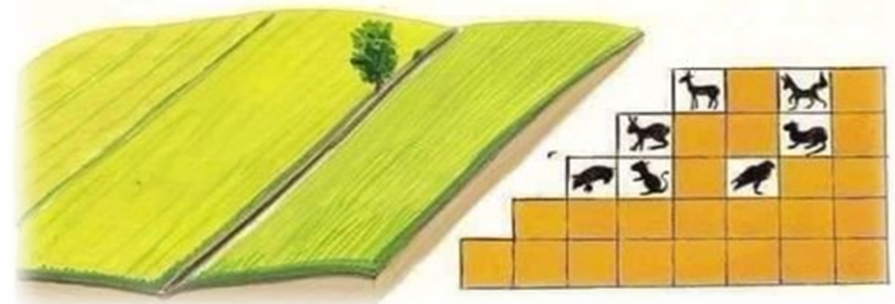
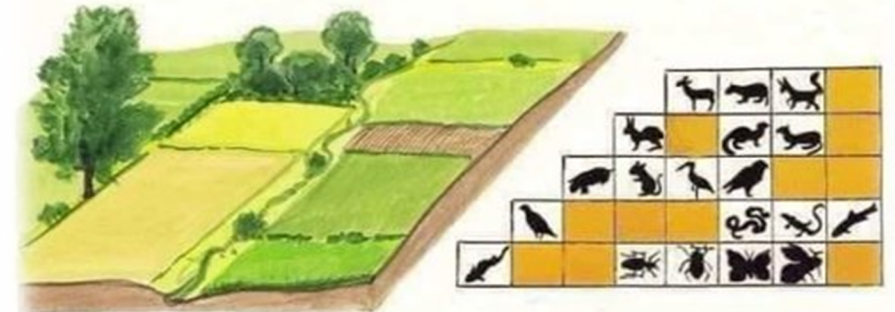
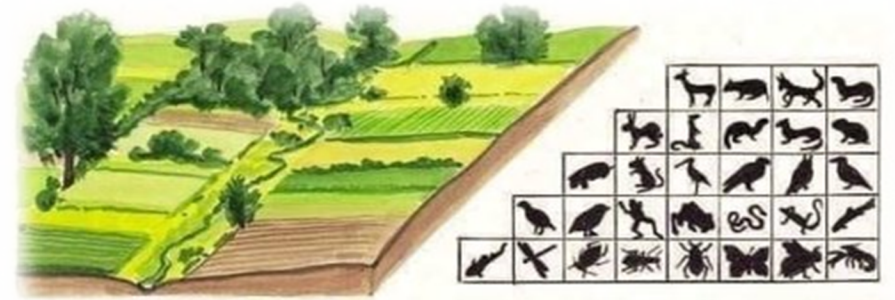
**Policy 4.6.6.23:** “The City will promote a naturalistic approach to restoration, enhancement and landscaping through native species selection (i.e. trees, shrubs and herbaceous vegetation), and planting densities and layouts to ensure long term biodiversity, community aesthetics and community objectives”

**Policy 4.6.6.15:** “Restoration and enhancement opportunities will be identified through the conservation, restoration and land securement programs of public agencies and through private land stewardship”

**3.1: Sustainable Planning Framework (Natural Heritage and Environmental Management):** “Identify, protect, and restore or where possible, enhance natural ecosystem features, functions and linkages”

## Brampton Grow Green Environmental Master Plan (2020 Refresh)

“Conserve, enhance, and balance the City’s natural and built environment to create a healthy and sustainable city”





### **Brampton Eco Park Strategy (2020)**

“The Brampton Eco Park Strategy calls for an interconnected network of sustainable urban and natural spaces interwoven and embedded in the city’s urban form”

### **Natural Heritage Restoration Program (2018)**

“Maximize the ecosystem services, and collaboration and engagement to engage local residents”

“Increase pollinator habitat and educate residents on the value and biological imperative of conserving pollinator wildlife species”

### **Bee City Canada**

“All program participants must commit to creating, maintaining and/or improving pollinator habitat.”

### **Climate Change**

Brampton’s first Climate Change Adaptation Plan is in progress and will have pollinator supporting actions.





# Litigation

1996 - Sandra Bell appeals a 1993 charge from the City of Toronto for the growth of a wild garden in her front yard. The Ontario appeals court found that Toronto's bylaw was primarily concerned with aesthetics, not the health and safety of human beings, or environmental nuisance. As well, it found that wild gardens are a form of freedom of expression protected by the Constitution of Canada.

2020 - Ecologist Nina-Marie Lister, argues that The City of Toronto's bylaw is unconstitutional. She rejects the requirement for a natural garden exemption, which makes it the homeowner's onus to seek exemption and advocate for their naturalized garden.

2022- Beth and Craig Sinclair, residents of Smiths Falls, Ontario, appeals to the Ontario Superior Court, a Town order to tame the trees and native plants in their front yard, The town rescinds the order, as the Sinclair's Lawyer proves precedent. The Town of Smiths Falls is now reviewing their property standards bylaw and considering new conditions for naturalized yards.





# Toronto Case Study

## Toronto Turfgrass and Prohibited Plants (2022)

**Maximum height:** “The owner or occupant of private land shall cut the turfgrass on their land whenever the growth of turfgrass exceeds 20 centimeters in height or length”

**Maintenance of vegetative growth:** The owner or occupant of private land shall maintain all vegetative growth on their land according to the following requirements:

- (1) Private land shall be kept free of any local weed listed in Schedule A;
- (2) Vegetative growth on private land shall not obstruct sidewalks or roadways;
- (3) Vegetative growth on private land shall not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices; and
- (4) Any other conditions respecting health and safety as the Executive Director considers advisable.

### **Prohibited Local Weeds:**

- Canada thistle (*Cirsium arvense*)
- Common buckthorn;  
Glossy buckthorn  
(*Rhamnus cathartica*; *Frangula alnus*)
- Dog-strangling vine  
(*Cynanchum rossicum*; *Cynanchum louiseae*)
- Garlic mustard (*Alliaria petiolata*)
- Giant hogweed  
(*Heracleum mantegazzianum*)
- Japanese knotweed  
(*Reynoutria japonica* var. *japonica*)
- Phragmites (*Phragmites australis* subsp. *australis*)
- Poison ivy (*Toxicodendron radicans*)
- Purple loosestrife  
(*Lythrum salicaria*)
- Ragweed  
(*Ambrosia artemisiifolia*)



# Goals

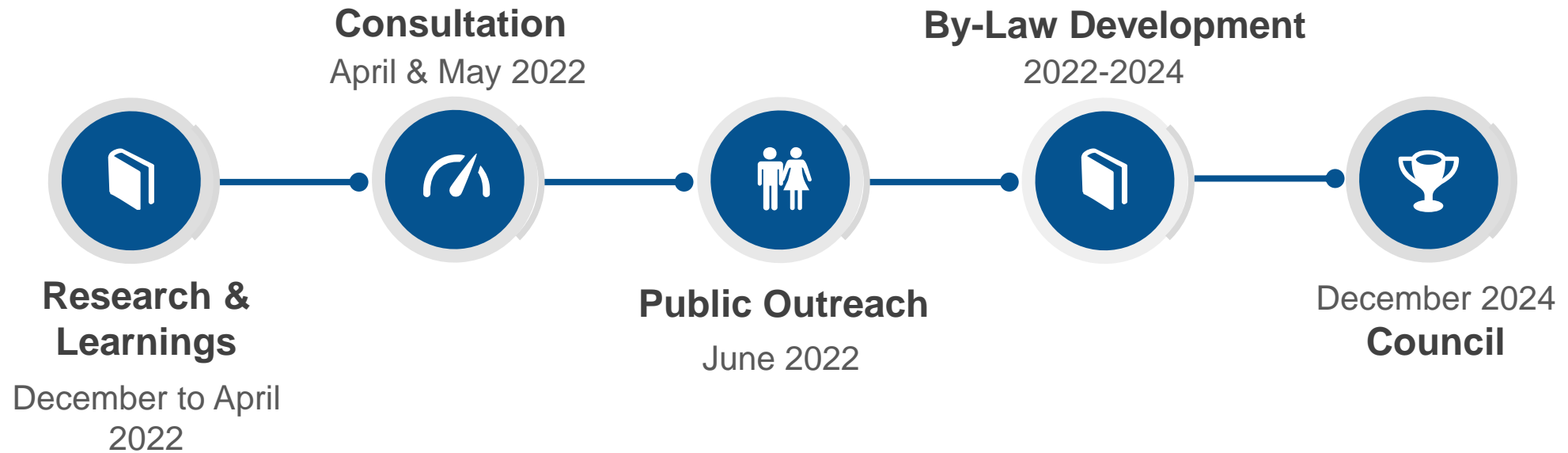
*Grass and Weed Cutting By-law 166-2011*  
update to:

- Align with the City of Brampton's current policies, goals and practices.
- Give residents more freedom over their approach to gardening on their property including the option of having more sustainable, fusion, and naturalized gardens.





# Bylaw Update



# PROHIBITED PLANTS

## Noxious Weeds List (*Weed Control Act*)

- |                              |                      |
|------------------------------|----------------------|
| 1. Black Dog Strangling Vine | 14. Kudzu            |
| 2. Bull Thistle              | 15. Leafy Spruge     |
| 3. Canada Thistle            | 16. Poison Hemlock   |
| 4. Coltsfoot                 | 17. Poison Ivy       |
| 5. Common Barberry           | 18. Ragweed          |
| 6. Common Crupina            | 19. Serrated Tussock |
| 7. Cypress Spurge            | 20. Smooth Bedstraw  |
| 8. Dodder                    | 21. Sow Thistle      |
| 9. Dog-Strangling Vine       | 22. Tansy Ragwort    |
| 10. European Buckthorn       | 23. Wild Chervil     |
| 11. Giant Hogweed            | 24. Wild Parsnip     |
| 12. Jointed Goatgrass        | 25. Woolly Cupgrass  |
| 13. Knapweed                 |                      |

## Updated Bylaw

All Prohibited Plants on private property shall be removed by the owner.

“Prohibited Plants” refers to:

(1) Noxious weeds classified by or under the Weed Control Act.

(2) Local weeds listed in the Prohibited Plant List

- The current bylaw uses the Weed Control Act to define noxious weeds. Currently, there are twenty-five weeds classified by the Weed Control Act (see table).
- In the bylaw update, the City will introduce a list of invasive and noxious species that are specific to the City of Brampton’s biodiversity.

# PROHIBITED PLANTS

## Proposed City of Brampton Prohibited Plant List

1. Garlic mustard (*Alliaria petiolata*)
2. Japanese knotweed (*Reynoutria japonica* var. *japonica*)
3. Phragmites (*Phragmites australis* subsp. *australis*)
4. Black Swallowwort (*icetoxicum nigrum*)
5. Oriental Bittersweet (*Celastrus orbiculatus*)
6. Yellow floatingheart (*Nymphodes peltata*)
7. Dog-strangling vine (*Cynanchum rossicum*; *Cynanchum louiseae*)



# MAINTENANCE OF PREMISES

Current Bylaw	Updated Bylaw
<u>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.</u>	<u>Every Owner within the City of Brampton shall cut the vegetation, excluding trees and shrubs, on their Premises, whenever the growth of the vegetation exceeds twenty centimetres (20 cm), unless it is in an identifiable Garden.</u>

- “Garden” refers to a *plot of ground where the Owner cultivates plants, excluding Prohibited Plants, with the intent to provide aesthetic value, native habitat, or grow food.*
- “Vegetation” refers to all forms of plant life including but not limited to trees, shrubs, grasses and any other foliage growing on or in the ground.
- In the updated bylaw:
  - Vegetation within a garden is not subject to height requirements
  - Growth outside of a garden, except for trees and shrubs, must have a maximum height of 20 cm
  - Homeowners will have more freedom over what they grow in their gardens and how they choose to maintain them



# REMOVAL OF VEGETATIVE CUTTINGS

Current Bylaw	Updated Bylaw
<u>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.</u>	<u>Where an Officer believes that a contravention of this Bylaw has occurred, the Officer may issue an Order to remove vegetation cuttings.</u>

- The current bylaw requires homeowners to remove grass and weed cuttings
- The updated bylaw would no longer require homeowners to remove any cuttings for these reasons; however, a Bylaw Officer reserves the right to require homeowners to remove cuttings whenever necessary.

# MAINTENANCE OF GARDENS

Current Bylaw	Updated Bylaw
<ul style="list-style-type: none"><li>Has no requirements for vegetative growth other than grass and weeds</li></ul>	<p>A. <u>Growth in a Garden shall be pruned or trimmed if the growth:</u></p> <ol style="list-style-type: none"><li><u>Obstructs sidewalk or roadway traffic; or</u></li><li><u>Obstructs driver or pedestrian sight lines; or</u></li><li><u>Compromises the safety of residents in the area.</u></li></ol>

- The new requirements in the updated bylaw would:
  - Prevent gardens from spilling into sidewalks and roadways
  - Ensure garden growth is kept at a reasonable height
  - Make sure garden growth is regularly maintained

# BYLAW NAME

Current Bylaw	Updated Bylaw
<u>Grass and Weeds Bylaw</u>	<u>Private Property Maintenance and Prohibited Plants Bylaw</u>

- The new bylaw would focus less on restricting homeowners and more on ensuring properties are maintained
- “Grass” is not specific
- We need to distinguish between perennial turfgrasses and ornamental grass species
- “Weed” is ambiguous and subjective because the term is defined as “a wild plant growing where it is not wanted”
- The City will refine its definition of “weed” by working with horticulturalists to determine what plant species pose a risk to the City’s landscapes through a Prohibited Plant List.

# Types of Gardens



## Rain Garden

- Depressed area of landscape that collects rainwater and allows it to soak into the ground
- Typically comprised of plants with deep root systems to help absorb the water



## Pollinator Garden

- Uses a variety of plants that attract different pollinators
- Often made up of native plants that bloom during different times of the year so there are flowers all season



## Xeriscape Garden

- Low-maintenance landscape designed to minimize the need for irrigation
- Uses plants that require little water or are drought-tolerant



# Types of Gardens



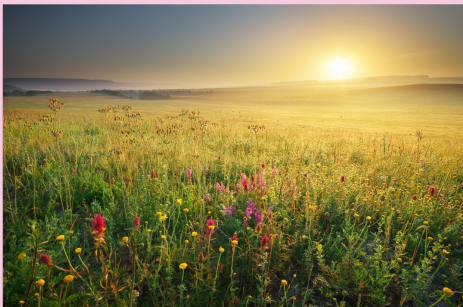
## English Garden

- Features a wide variety of different plants and trees
- Designed to be less formal, less labor-intensive, and less expensive to maintain and design



## Vegetable Garden

- Can supply people with fresh produce, and reduce the need to buy packaged foods
- Wide variety of vegetable plants available to grow in gardens



## Meadow

- An open area with vegetation that can provide cover, food, and nesting sites for birds, insects and other wildlife
- Able to absorb storm water runoff, helping prevent flooding and soil erosion









Naturalized Gardens





# NEXT STEPS

1. Bring By-Law to Council – Winter 2024
2. Draft and Implement By-Law Communication Strategy – Summer/Fall 2024





# Thank you!

[growgreen@brampton.ca](mailto:growgreen@brampton.ca)

