



THE CORPORATION OF THE CITY OF BRAMPTON

Office Consolidation

Ground Cover Maintenance and Prohibited Plants By-law 45-2025

To repeal Grass and Weed Cutting By-law 166-2011 and to replace it with the
Ground Cover Maintenance and Prohibited Plants By-law

WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("Municipal Act, 2001") 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 sections 8 and 11 of the *Municipal Act, 2001* provide the City with broad authority to provide any service or thing that the City considers necessary or desirable for the public;

AND WHEREAS section 11 of the *Municipal Act, 2001* provides authority to a municipality to pass by-laws for the health, safety and well-being of persons and protection of persons and property, including consumer protection;

AND WHEREAS section 127(a) of the *Municipal Act, 2001* 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, 2001* 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 certain plants can disrupt ecological systems and impact the health, safety and well-being of the inhabitants of the city and the natural environment;

AND WHEREAS the height of ground cover in certain circumstances, can have safety implications on local communities, such as impeding fire safety, impairing visual sightlines, and fostering disease-causing agents.

AND WHEREAS various garden styles can provide urban agriculture, biodiversity, pollinator habitats, stormwater attenuation, and conservation of resources;

AND WHEREAS it is desirable to allow a designed naturalistic approach to gardening using native species, in addition to the conventional manicured approach;

AND WHEREAS it is desirable to require owners of Private Property to maintain growth of vegetation and remove Prohibited Plants;

NOW THEREFORE the Council of The Corporation of the City of Brampton
ENACTS as follows:

TITLE

1. This By-law may be referred to as the “Ground Cover Maintenance and Prohibited Plants By-law”.

APPLICATION

2. This By-law shall apply to all land in the City, save and except for any lands owned by:
 - (1) The Corporation of the City of Brampton (excluding City-owned Boulevards), its local boards or authorities;
 - (2) The Regional Municipality of Peel, its local boards and authorities;
 - (3) Any conservation authority; and,
 - (4) Any other government authority or utility corporation.

ADMINISTRATION AND ENFORCEMENT

3. The Commissioner is responsible for the administration and enforcement of this By-law and may appoint delegates or assign duties to City staff under this By-law.
4. City staff who carry out any action under this By-law are deemed to be authorized staff for the purposes of this By-law, in the absence of evidence to the contrary.

DEFINITIONS

5. In this By-law:

“Boulevard” means that portion of the Highway between the City property line and the roadway which is not used or intended for use for vehicular travel by the general public, and includes the landscaped areas and any driveway apron, but does not include any paved or poured hard-surface sidewalk or a curb or gutter that is not part of a driveway apron;

“City” means The Corporation of the City of Brampton;

“Commissioner” means the Commissioner of Legislative Services or designate;

"Cultivate" means to promote growth and development, and undertake maintenance through deliberate effort or care.

“Destroy”; means the removal, destruction and disposal of a Prohibited Plant, which may include the following depending on the type of Prohibited Plant and direction provided by City staff:

- pulling or removing the plants from the soil;
- plowing or cultivating the soil in which the plants are growing; and/or,
- treating with an herbicide that causes the plants to be destroyed or prevents the growth of the plants or the ripening of their seeds; and,
- disposing of the Prohibited Plant within a garbage receptacle or Community Recycling Centre.

“Garden” means an area where plants, trees, bushes and shrubs are intentionally Cultivated with the intent to grow food, provide aesthetic value, or supply a naturalized habitat, but excludes Prohibited Plants and Ground Cover;

“Ground Cover” means low-growing, ground vegetation such as sod with living turfgrass or plants growing in a dense, uniform manner to act as a lawn replacement; but does not include trees, shrubs, bushes or Gardens.

"Highway" means a common and public highway, and includes one or both of the following:

(a) any street, road, avenue, parkway, lane, driveway, boulevard, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons, or

(b) the area between the lateral property lines of any highway or road allowance including any curbs, gutters, boulevards, culverts, ditches and retaining wall;

“Occupant” means any Person or Persons over the age of 18 years in possession of the Property.

“Officer” means a person employed by the City and appointed as a Municipal Law Enforcement Officer;

"Owner" means

- 1) the registered Owner of a Site, including any heirs, assigns, Personal representatives, and successors in title;
- 2) mortgagee in possession of the Site;
- 3) the Person for the time being managing or receiving the rent of the Site or Premises in connection with which the word is used whether on their account or as agent or trustee of any other Person, or who would so receive the rent if such land and Premises were let; or
- 4) a lessee or Occupant of the Site who, under the terms of a lease, is required to Repair and maintain the Site in accordance with the standards for maintenance and occupancy of the Site.

"Person" means an individual, partnership, association, firm, corporation, business entity, club, incorporated group or organization, federal or provincial government, crown agent, school board and regional or other municipality;

"Premises" means a parcel of real property under registered ownership and includes all buildings and structures thereon;

“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;.

“Prohibited Plant” means Noxious Weeds classified by or under the *Weed Control Act*, or plants listed in the Prohibited Plant List, attached as Schedule “A” to this By-law.

“Site” shall have the same meaning as Premises.

GENERAL

6. Every Owner or Occupant shall maintain all Ground Cover on Private Property and adjacent Boulevards, so as to ensure it does not exceed a height of twenty centimetres (20 cm).
7. Every Owner or Occupant shall be permitted to maintain Gardens to provide aesthetic value, a naturalized habitat, or grow food; provided that they are

maintained and intentionally Cultivated and do not cause potential adverse safety effects on something or someone.

8. Every Owner or Occupant shall ensure that Gardens planted on Private Property do not affect the safety, visibility, or passage of the general public and not encroach or obstruct:
 - (1) A sidewalk or roadway traffic;
 - (2) A driver or pedestrian sight lines; or,
 - (3) Adjacent property
9. No Owner or Occupant shall permit Prohibited Plants on Private Property.
10. Every Owner or Occupant shall be responsible for Destroying all Prohibited Plants on Private Property at their sole expense.

ENFORCEMENT

Inspection

11. An Officer may at any reasonable time, enter and inspect any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (1) This By-law;
 - (2) A direction or order of the municipality;
 - (3) A condition of a permit or agreement issued under this By-law; or,
 - (4) An order made under section 431 of the Municipal Act, 2001.
12. For the purposes of an inspection, the Officer may:
 - (1) Require the production for inspection of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (3) Require information from any Person concerning a matter related to the Inspection; and
 - (4) 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.
13. A receipt shall be provided for any document or thing removed and the document or thing shall be promptly returned after the copies or extracts are made.
14. A sample taken 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.
15. If a sample is taken 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.

Orders

16. Where an Officer is satisfied that a contravention of the By-law has occurred, the Officer may make an order requiring the Person who contravened the By-law, or who caused or permitted the contravention, or the Owner or Occupant on which the contravention occurred to do work to correct the contravention.

17. Where there is evidence that the Person in possession of the Private Property is not the Owner then the order may be served on both the Owner and the Occupant.
18. Orders issued pursuant to section 16 shall set out in writing:
 - (1) The Municipal address or legal description of the land;
 - (2) The reasonable particulars of the contravention(s);
 - (3) The date by which the order must be complied with; and,
 - (4) If applicable, the work to be completed.
19. The date by which an order must be complied with shall not be sooner than seventy-two (72) hours after the serving of the order.
20. An order issued under this By-law may be served personally or served by email or mail to the last known email or mailing address of the Person and such other Persons affected by it as determined by the Officer.
21. A copy of the order may be posted on any site or property to which the contravention applies.
22. If an order is served by registered mail, the service shall be deemed to have been made five (5) days after mailing.

Remedial Work

23. 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 Officer at the expense of the Owner and the City 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*.
24. An Officer, the City's employees or an authorized agent on behalf of the City may enter onto the Private Property at any reasonable time and complete the work required to bring the Private Property into compliance with the provisions of this By-law.

OFFENCES

25. Every Person who contravenes a provision of this By-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O, 1990, c. P.33, and the *Municipal Act, 2001*, as both may be amended from time to time.
26. Every Person who hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law is guilty of an offence.
27. Every Person who neglects or refuses to produce any information or thing or to provide any information required by any person pursuant to a court order is guilty of an offence.
28. Every Person who contravenes an order made under this By-law is guilty of an offence.
29. Every Person charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, as amended, upon conviction, is liable pursuant to the *Municipal Act, 2001*, to the following fines:
 - (1) To a minimum fine of \$500;

- (2) In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500; and,
 - (3) In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500.
30. Where a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an Order prohibiting the continuation or repetition of the offence by the Person convicted.
31. An Officer may require a Person, subject to the conditions set out within the Administrative Penalties (Non-Parking) By-law 218-2019, as amended, or successor By-law, to pay an administrative penalty if the Officer is satisfied that the Person has failed to comply with a provision within this By-law or an Order issued under this By-law.
32. Every Person who is served a Penalty Notice is liable to pay to the City an administrative penalty in the amount set out in the Administrative Penalties (Non-Parking) By-law 218-2019, as amended.

VALIDITY AND INTERPRETATION

33. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
34. If a court of competent jurisdiction declares any provisions or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of City Council in enacting this By-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

EFFECTIVE DATE & REPEAL

35. This By-law shall come into force and effect on the date that it is enacted.
36. By-laws 166-2011 and 121-90, as amended are hereby repealed.

READ a first, second and third time and PASSED in OPEN COUNCIL, this 26th day of March, 2025.

THE CORPORATION OF THE CITY OF BRAMPTON

Original signed by:

Patrick Brownl – Mayor

Genevieve Scharback – City Clerk