

Private Property Maintenance and Prohibited Plants Bylaw

Grass and Weed Cutting By-law 166-2011 Update
BEAC
June 14th, 2022



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)

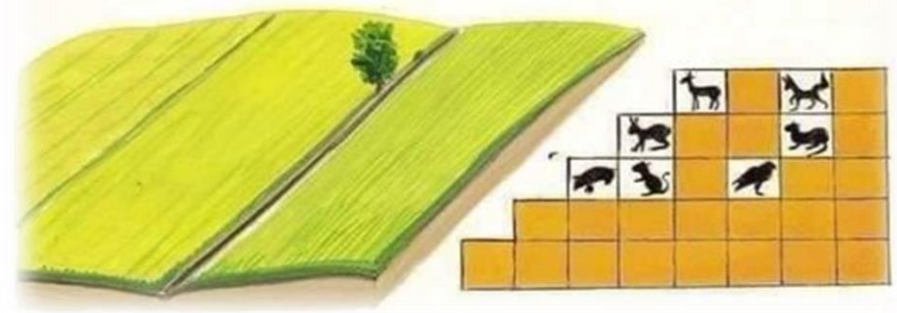
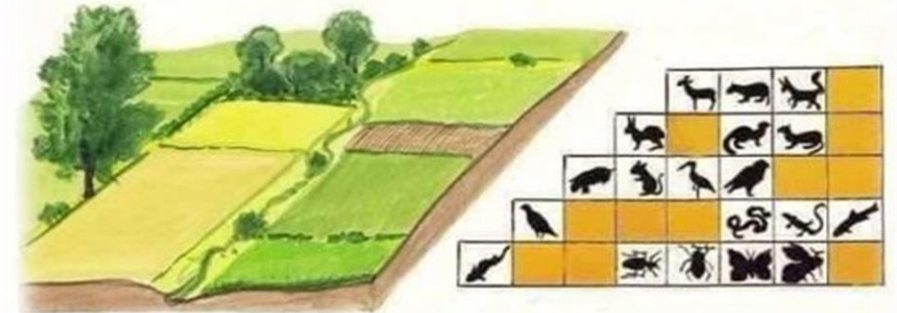
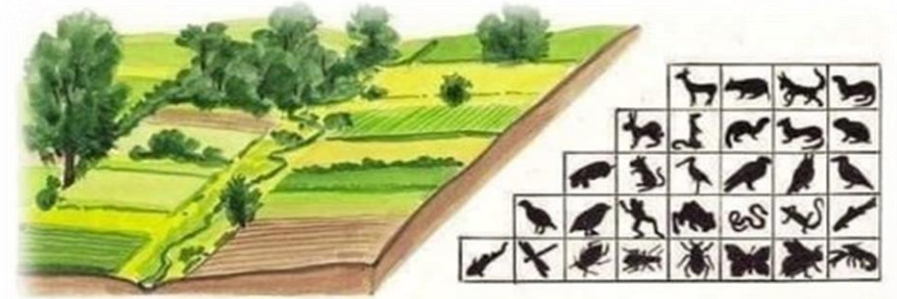
Policy 4.6.6.23: “The City will promote a naturalistic approach to restoration, enhancement and landscaping through native species selection (i.e. trees, shrubs and herbaceous vegetation), and planting densities and layouts to ensure long term biodiversity, community aesthetics and community objectives”

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”



Region of Peel Official Plan (Office Consolidation 2021)

Policy 2.5.2.1: “Promote a wide range of environmental enhancement and restoration opportunities”

Policy 2.5.2.3: “Encourage and promote jointly with conservation authorities, the area municipalities and other agencies, habitat restoration and enhancement programs through the planning approvals process”

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”

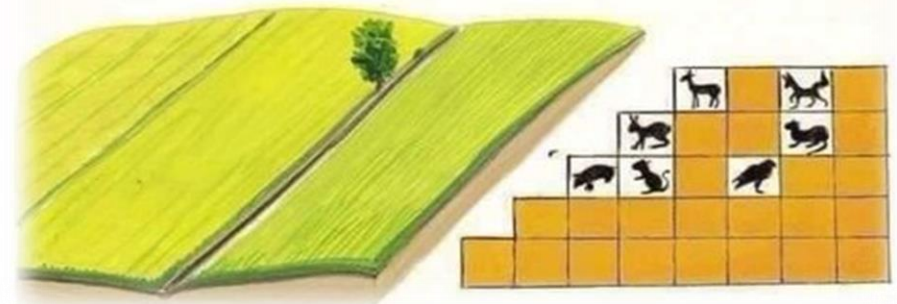
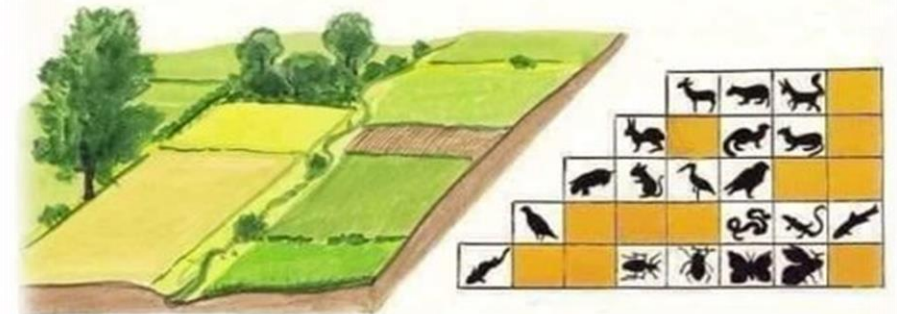
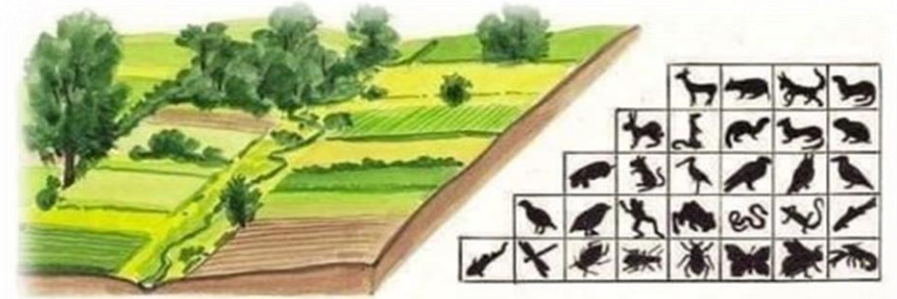
Natural Heritage Restoration Program (2018)

“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.”





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.



Litigation

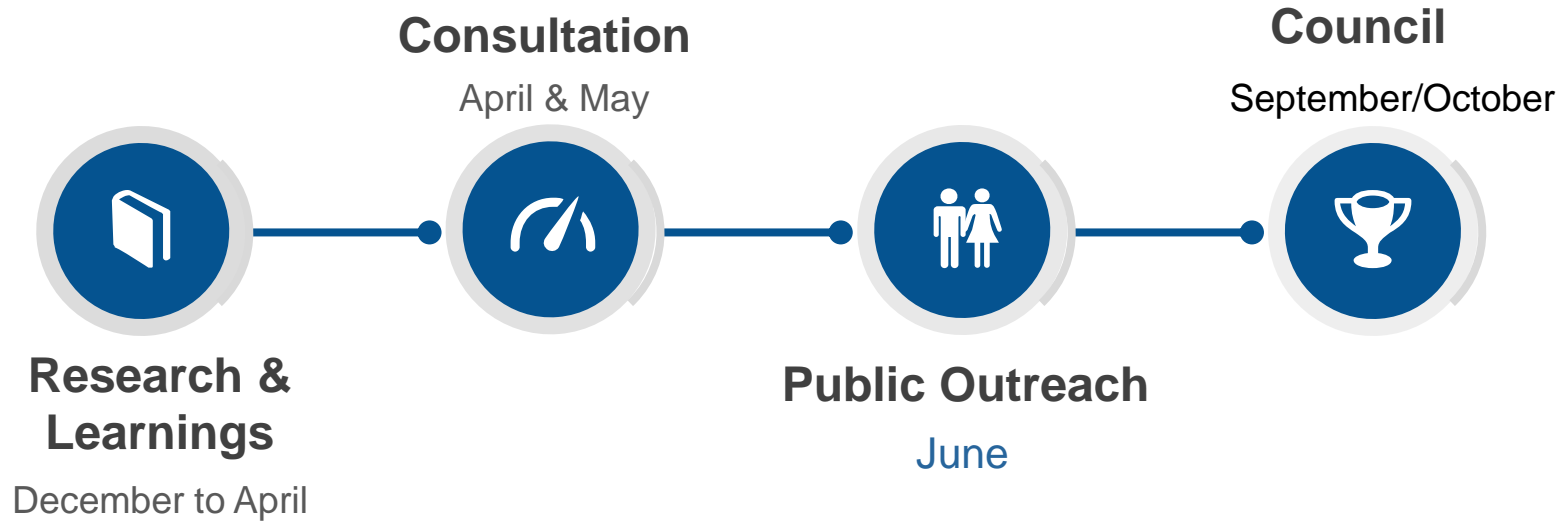
1996 - Sandra Bell appeals a 1993 charge from the City of Toronto for the growth of a wild garden in her front yard. The Ontario appeals court found that Toronto's bylaw was primarily concerned with aesthetics, not the health and safety of human beings, or environmental nuisance. As well, it found that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



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.

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.*
- 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

MAINTENANCE OF GARDENS

Current Bylaw	Updated Bylaw
<ul style="list-style-type: none">• Has no requirements for vegetative growth other than grass and weeds	<p>A. <u>Growth in a Garden shall be pruned or trimmed if the growth:</u></p> <ol style="list-style-type: none">1. <u>Obstructs sidewalk or roadway traffic; or</u>2. <u>Obstructs driver or pedestrian sight lines; or</u>3. <u>Compromises the safety of residents in the area.</u>

- 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

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.

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.

NEXT STEPS

1. Outreach from June 11th to June 30th
 - Farmers Market - June 11th & June 25th
 - Grow Green and Green City Networks
 - Social Media
 - Public comments through webpage
(www.brampton.ca/growgreen)
2. Council in September/October

Thank you!

growgreen@brampton.ca

