

**THE CORPORATION OF THE TOWN OF DESERONTO**  
**BY-LAW NUMBER 9-01**

**A BY-LAW TO REGULATE GRASS CUTTING ON PRIVATE PROPERTIES**

WHEREAS Section 210, paragraphs 80, of the Municipal Act, R.S.O. 1990, c.M.45, as amended, authorizes Council to pass By-laws for requiring and regulating the cleaning and clearing of any grounds, yard and vacant lots;

AND WHEREAS Section 326 of the Municipal Act provides that, where Council has authority to direct or require by By-Law or otherwise that any matter or thing be done, Council may by the same or by another By-Law direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the municipality may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes;

AND WHEREAS Section 220.1(2) of the Municipal Act authorizes Council to pass By-Laws imposing fees or charges for services or activities provided or done by the municipality;

AND WHEREAS Council deems it appropriate to establish standards prescribing the maximum length to which grass may be allowed to grow on privately owned land within the municipality and requiring the owners and occupants of such lands to keep the grass cut.

NOW THEREFORE the Council of The Corporation of the Town of Deseronto enacts as follows:

1. For the purposes of this By-Law
  - (a) "commercial property" means a property zoned for commercial use under the appropriate Zoning By-Law of the municipality regulating use of the property, and any other property located within the municipality that is used primarily for commercial use.
  - (b) "enforcement officer" means any person who is a peace officer employed by the municipality's police force or any person who has been appointed by the municipality as a By-Law Enforcement Officer, Provincial Offences Officer or Property Standards Officer.
  - (c) "grass" means any of the numerous plants of the family gramineae with narrow leaves and jointed stems and shall include weeds other than those classified as noxious weeds.
  - (d) "industrial property" means a property zoned for industrial use under the appropriate Zoning By-Law of the municipality regulating use of the property, and any other property located within the municipality that is used primarily for industrial use.
  - (e) "municipality" means the Town of Deseronto
  - (f) "property" means a contiguous parcel of land under common ownership or, in the case of lands within a plan of subdivision, and individual lot.

- (g) "residential property" means a property zoned for residential use under the appropriate Zoning By-Law of the municipality regulating use of the property, and any other property located within the municipality that is used primarily for residential use.
2. No person who owns or occupies a property within the municipality shall permit the grass on the property to grow to a length greater than the length permitted for the property as set out in Schedule "A" to this By-Law.
  3. Despite clause 2 above, there shall be no limit on the maximum length to which grass may grow on any commercial property or industrial property that is being used to actively cultivate an agricultural crop.
  4. If an enforcement officer finds grass growing on a property with the municipality that is longer than the maximum length permitted by this By-Law, the municipality may, without notice to the owner or occupant of the property, enter onto the property at such time or times as is necessary for the purpose of cutting the grass at the owner's expense.
  5. If the municipality cuts the grass on a property in accordance with the provisions of clause 4 above, the owner of the property shall be liable to the municipality for the cost of cutting the grass in accordance with those costs set out on Schedule "B" to this By-Law.
  6. Any amount payable by the owner of a property in accordance with this By-Law shall constitute a debt of the owner to the municipality and shall be due and payable in full on the date 30 days following the date of an invoice sent to the owner of the property by prepaid first class mail according to the last revised assessment roll of the municipality.
  7. Interest shall accrue and be payable on any amount not paid when due at the rate of 15% per annum.
  8. If the owner of a property who is liable to the municipality for the cost of cutting grass on the owner's property fails to pay the amount owing when due, the municipality may add the amount to the tax roll for the property and recover it in like manner as municipal taxes.
  9. Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to payment of a fine.
  10. This By-Law shall come into force and take effect on the day it is passed.

READ A FIRST AND SECOND TIME AND FINALLY PASSED THIS 11<sup>th</sup> DAY OF JUNE, 2001

## **SCHEDULE "A"**

1. In the case of a residential property, grass shall not *be* permitted to grow to a length greater than 10 inches as measured by an individual plant or blade outstretched in a straight manner.
2. In the case of a commercial property, grass shall not be permitted to grow to a length greater than 30 inches as measured by an individual plant or blade outstretched in a straight manner, or
3. In the case of an industrial property, grass shall not be permitted to grow to a length greater than 30 inches as measured by an individual plant or blade outstretched in a straight manner.

## **SCHEDULE "B"**

### **COSTS FOR MUNICIPALITY TO CUT GRASS ON PRIVATE PROPERTY**

The following costs shall be charged by the municipality for cutting grass on a property in accordance with this By-Law.

- |    |                                                    |                                                                              |
|----|----------------------------------------------------|------------------------------------------------------------------------------|
| a) | Property with an area one half acre or less        | \$125.00                                                                     |
| b) | Property with an area of one half acre to one acre | \$225.00                                                                     |
| c) | Property with an area greater than one acre        | \$225.00 plus \$25.00 per hour for the actual time required to cut the grass |