

BY-LAW NO. 03-18

of the

CORPORATION OF THE TOWN OF COLLINGWOOD



Being a By-law to regulate and prohibit overgrown and long grass and weeds on any property within the boundaries of the Corporation of the Town of Collingwood

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25 as amended, Section 128 provides that a local Municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 128(2) of the said Act states that the opinion of Council under Section 128 of the said Act, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 427 (1) to (4) of the said Act authorizes municipal remedial action, entry onto land, recovery of costs and addition of costs to the tax roll;

AND WHEREAS Section 427 (6) of the said Act provides that remedial work done under Section 431 (c) and (d) of the said Act does not require the Municipality to have the work performed undone, and does not require the Municipality to provide compensation as a result of the remedial work done.

NOW THEREFORE, THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

DEFINITIONS

"*Municipality*" shall mean the Corporation of the Town of Collingwood, its employees and their agents and person(s) accompanying them.

"*Officer*" shall mean a Municipal By-law Enforcement Officer, Property Standards Officer or any other person so appointed or directed by Council for the enforcement of the by-laws of the Municipality.

"*Grass*" shall mean all forms, types and species of grasses.

"*Weeds*" shall mean all weeds listed in the Weed Control Act of Ontario as noxious and all weeds posing a human health hazard including but not limited to ragweed and poison ivy or any other weed.

"*Overgrown*" shall mean an uncut, unkempt or unsightly state or a potential health risk.

"*Long*" shall have the same meaning as overgrown.

"*Council*" shall mean the Council of the Corporation of the Town of Collingwood.

"*Property*" shall mean any property within the boundaries of the Town of Collingwood.

"*Shall*" means imperative or must.

"*Remedial action*" shall mean the cutting, spraying or destroying of long grass and weeds by the Municipality.

"*Remedial work*" shall have the same meaning as remedial action.

"May" shall mean permissive.

"Land" shall have the same meaning as property.

"Human Health Hazard" includes but is not limited to allergic reactions and responses or potential exposure to bacteria, virus, or disease.

"Person", in addition to its regular meaning, includes a business, corporation or any director, officer or manager of a business or corporation, and includes the owner or tenant or lessee or person in charge or collecting the rent of any property or any other person who is the occupier of the property.

"Costs" shall mean all monetary expense incurred by the Municipality during and throughout the process of remedial action, including interest at a rate of 15% or such lower rate as determined by the Municipality commencing on the day the Municipality incurs the costs and ending on the day the costs, including interest, are paid in full, and may include and administrative surcharge the amount of such surcharge as to be determined from time to time by the Municipality and may include the addition of all such monetary expense including all surcharges to Municipal Taxes.

"Structure" shall mean any building or accessory building on any property, or any part thereof, or any part of whole of any structure or building not actually used as a dwelling house.

"Building" shall have the same meaning as structure.

"Spray" shall mean the use, delivery and application of chemical agents and solutions by mechanical or manual means to destroy long grass and weeds.

"Cutting" shall mean the destruction of long grass and weeds by the use of mechanical, machine or manual means including but not limited to lawn mowers, weed eaters, tractors, sickles or scythes.

VALIDITY AND SEVERABILITY

Should any section, sub-section, clause, paragraph, or provision of this By-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this By-law, or of the By-law of the whole.

EXERCISE OF POWER

Where a Municipality has a power of entry under the said Act, the power shall be exercised by an employee or agent of the Municipality who may be accompanied by any person under his or her direction.

IDENTIFICATION

A person exercising a power of entry on behalf of the Municipality under this Act must, on request, display under his or her direction.

ENTRY ONTO LAND

The Municipality, for the purposes of Municipal remedial action, may enter upon land and into structures, other than a dwelling house, at any reasonable time, without notice.

PUBLIC NUISANCE

The Council of the Corporation of the Town of Collingwood is of the opinion that overgrown and long grass and weeds growing on any property within the boundaries of the Town of Collingwood constitute a public nuisance.

ENFORCEMENT

This By-law shall be enforced by a Municipal By-law Enforcement Officer, Property Standards Officer, or any other person so appointed or directed by Council for the enforcement of the By-laws of the Municipality

OFFENCES

1. No person shall cause, permit or otherwise allow long grass, weeds, or long grass and weeds to grow or remain on any property within the boundaries of the Town of Collingwood.
2. No person shall fail to destroy long grass, weeds, or long grass and weeds when directed by an Officer, within the boundaries of the Town of Collingwood.
3. No person shall fail to maintain any property within the boundaries of the Town of Collingwood free from long grass, weeds or long grass and weeds.

INVOICE FOR COSTS PRIOR TO ADDITION OF COSTS TO MUNICIPAL TAXES

The Municipality may, prior to adding remedial action costs to Municipal Taxes, invoice persons described in this by-law requesting voluntary payment of said remedial action costs.

NOTICE PRIOR TO REMEDIAL ACTION

The Municipality may, prior to taking remedial action under this by-law, send Notice to person(s) described in this by-law requesting that long grass, weeds or long grass and weeds be destroyed on their property, either verbally, regular mail, or registered mail.

PUBLIC NOTICE

The Municipality may give Notice of the Force and Effect of this by-law in a newspaper having general circulation within the Municipality, specifying the period of the Force and Effect of this By-law and its enforcement provisions.

FORCE AND EFFECT

This By-law shall be in full force and effect for the period May 1st to November 1st in each Calendar year within the boundaries of the Town of Collingwood and is enforceable during the said period.

OBSTRUCTION

As per the provisions of the Municipal Act, 2001, S. O. 2001, c. 25 as amended, Section 426(1), no person shall hinder, interfere with or obstruct, either directly or indirectly an Officer, employee or agent of the Municipality in the lawful exercise of power or duty under this by-law.

MUNICIPALITY NOT LIABLE

The Municipality assumes no liability for property damage or injury resulting from the destruction of long grass and weeds by persons described in this by-law. Persons described in this by-law using "cutting" or "spraying" or any other method of long grass and weed destruction do so at their own risk giving full regard to applicable law including but not limited to the Pesticides Act and the amendments and regulations thereto.

The Municipality assumes no liability for private contractors engaged in the destruction of long grass and weeds on behalf of the Municipality, with regard to personal injury to themselves or any person, or to damage to property of their own or any person.

PROOF OF LIABILITY INSURANCE

Any or all persons contracted to perform long grass or weed destruction duties on behalf of the Municipality shall first and prior to commencing any or all such duties, provide proof in hardcopy form, of a policy of liability insurance of their own possession in the amount of \$1,000,000.00 to engage in such duties. Proof of Liability Insurance as above shall be produced for inspection to the Clerk of the Municipality, before engaging in any or all long grass and weed destruction duties.

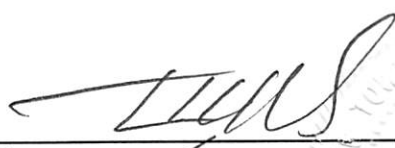
PENALTIES

Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to the penalties as provided for in the Provincial Offences Act, R. S. O. 1990, c. P. 33 as amended.

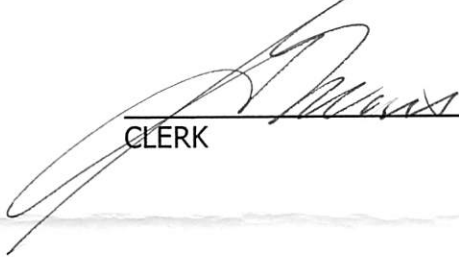
EFFECTIVE DATE

This by-law shall come into force and effect, following it's final passage by Council of Corporation of the Town of Collingwood.

ENACTED AND PASSED this 17th day of March, 2003.



MAYOR



CLERK

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