



CITY OF  
ST. CATHARINES

## Corporate Report

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**Report from** Recreation and Community Services, Parks and Facilities

**Date of Report:** January 7, 2013

**Date of Meeting:** January 21, 2013

**Report Number:** RCS-018-2013

**File:** 68.31.1

**Subject:** Maintenance of Long Grass and Weeds on Boulevards  
and Amendment to Associated Rates and Fees By-law

### Recommendation

That the City Solicitor be directed to prepare the necessary amendment to By-law No. 2004-122; and

That the Rates and Fees By-law be amended to include the mowing of weeds and grass for the untraveled portion of the public highway. FORTHWITH

### Summary

By-law 2004-122, as amended (the Maintenance of Grasses and Weeds By-law) requires private property owners to cut and remove all grasses and weeds that exceed 20 cm in height. Although City practice has always been that the maintenance of most boulevards are the responsibility of adjacent property owners, boulevards were never included in the Maintenance of Grasses and Weeds By-law. The disconnect between practice and by-law has created an enforcement issue. This report proposes an amendment to the Maintenance of Grasses and Weeds By-law which would require adjacent property owners to cut and remove all grasses and weeds from the boulevard which exceed 20 cm in height. Failure to comply with this requirement will lead to the City completing the work at the cost of the adjacent property owner, in accordance with the Municipal Act.

### Background

On April 19, 2004, Council passed By-law 2004-122 (the Maintenance of Grasses and Weeds By-law) for the purpose of addressing the public nuisance caused by the neglect of yard maintenance. The By-law requires owners of land to cut and remove all grasses and weeds exceeding 20 cm in height. Further, the By-law provides that, in the event that land is not maintained in accordance with the By-law, the City may complete the work at the owner's expense, by adding the cost to the tax roll for the property. As written, the current By-law defines land as being in private ownership and therefore does not include boulevards, which are technically owned by the City or Region.

A boulevard is the area of public highway located between the road and the property line of adjacent properties but does not include areas occupied by shoulders, sidewalks or driveways. Although most boulevard property is City-owned as part of the road allowance, they are considered a visual extension of adjacent properties. As such, City practice has considered the maintenance of boulevards to be the responsibility of adjacent property owners. This practice includes exceptions where staff maintains boulevards, such as those which are isolated from adjacent private property. These areas will continue to be cut by staff.

## **Report**

### **Most property owners maintain the boulevard adjacent to their property**

Through the Maintenance of Grasses and Weeds By-law, property owners are responsible for cutting grass and weeds on their own property. In most situations, the extension of cutting into the boulevard is marginal, and the boulevard is expected to be cut at the same time. Most residents and business owners assume responsibility for maintaining the grass areas on municipal boulevards abutting their properties. Some property owners, however, only cut the grass within their own fenced yards or only up to the limit of the sidewalk fronting their homes, leaving the boulevard uncut. This practice creates an unsightly and unkempt appearance within the community, particularly on residential corners and side lots.

Current practice for property owners that do not cut the adjacent boulevard is for the Weed Inspector to speak with the owner in an attempt to gain voluntary compliance. If the adjacent property owner refuses to cut the boulevard, then the City or its contractor completes the work, and any associated costs must be absorbed into existing operating budgets. In these instances, the boulevard is only cut once the grass and/or weeds has exceeded 20 centimetres, the height which would be required as interpreted under the Maintenance of Grasses and Weeds By-law. This does not produce a maintenance level consistent with most residential properties, and as such, is not intended to reward non-compliance.

### **Municipalities able to enforce maintenance of boulevards under the Municipal Act**

The Ontario Municipal Act authorizes municipalities to enact by-laws requiring property owners to maintain boulevards adjacent to their property. A review of other Ontario municipalities has found that in many municipalities maintenance of the boulevard is considered an unwritten rule where it is assumed the responsibility lies with the adjacent property owner. There is a trend towards regulation however, with at least 12 municipalities having by-laws that require private property owners to maintain the boulevards adjacent to their property. These municipalities include: Brampton, Cambridge, Fort Erie, Markham, Oshawa, Ottawa, Pickering, Sarnia, Toronto, Vaughan, Waterloo, and Whitby.

### **Enforcement of boulevards would be the same as enforcement of long grass and weeds on private property**

Enforcement of the proposed amendments to the Maintenance of Grasses and Weeds By-law would be consistent with the current practice for enforcing tall grass and weeds

on private property. If a Weed Inspector finds a boulevard in non-compliance a notice will be sent to the abutting property owner requiring compliance within seventy-two hours. Failing this, the necessary remedial work will be carried out by the City (or its contractor) at the cost of the adjacent property owner, as outlined within the Municipal Act.

### **Financial Implications**

No financial implications are anticipated if the recommendations of this report are approved. There would be no additional costs for inspections as this falls under the portfolio of the Weed Inspector who is already visiting these sites in an attempt to gain voluntary compliance. Further, the Municipal Act stipulates that any work completed by the City or its contractor in cases of non-compliance can be recovered from the owner by invoice or by adding the costs onto the tax bill. This would be recovered at the same rate for cutting on private property, which is already included in the Schedule of Rates and Fees.

### **Conclusion**

Amending the Maintenance of Grasses and Weeds By-law (By-law 2004-122) to include boulevards will ensure that boulevards are maintained to the same standards as private property. If these standards are not maintained, the City will be able to complete the work required under the by-law and recover the costs.

### **Submitted by:**

Jim Benson  
Assistant Director/Manager of Parks & Facilities

### **Prepared by:**

Kristen Sullivan  
Project and Development Planner

### **Approved by:**

Rick Lane, R.D.M.R.  
Director of Recreation & Community Services