

**BY-LAW No. 2026-xxx**  
**OF THE**  
**CORPORATION OF THE TOWN OF COLLINGWOOD**



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A by-law to regulate and prohibit long grass and nuisance weeds on private land and adjoining boulevards, and to provide for inspection, enforcement, remedial action and cost recovery.

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**WHEREAS** Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “*Municipal Act, 2001*”) provides that the powers of a municipality under the Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** Section 11(2) of the *Municipal Act, 2001*, authorizes a lower-tier municipality to pass by-laws for, *inter alia*, the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** Section 128(1) of the *Municipal Act, 2001*, authorizes a municipality to 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 436(1) of the *Municipal Act, 2001*, provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made under the Act or a by-law;

**AND WHEREAS** Section 444(1) of the *Municipal Act, 2001*, authorizes that where a municipality is satisfied that a contravention of a by-law of the municipality passed under

the Act has occurred, the municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** Section 445(1) of the *Municipal Act, 2001*, authorizes that where a municipality is satisfied that a contravention of a by-law of the municipality passed under the Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that the matter shall be done at the person's expense and that the municipality may recover the costs of doing a matter or thing from the person by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** nuisance weeds may cause allergic reactions or other health problems for individuals, may disrupt ecological systems and negatively impact the health, safety and well-being of the inhabitants of the Town as well as the natural environment;

**AND WHEREAS** long grass and nuisance weeds may pose safety and fire risks, impair visual sightlines, create habitats for mosquitoes, rodents and other insects or animals, and contribute to neighbourhood blight;

**AND WHEREAS** Council deems long grass and nuisance weeds to be a public nuisance;

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:**

**1. Short Title**

1.1 This By-law may be cited as the “Long Grass and Nuisance Weeds By-law”.

## 2. Definitions

2.1 In this By-law:

“**Agricultural Operation**” means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

“**Boulevard**” means the portion of a municipal highway right-of-way that is not used for vehicular travel and that lies between the travelled portion of the roadway and the adjoining property line, including any front, side, or rear boulevard contiguous with the Land;

“**Council**” means the Council of the Corporation of the Town of Collingwood;

“**Destroy**” means pulling or otherwise removing the plants from the soil, cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after the cutting, plowing or cultivating the soil in which the plants are growing, or treating with a herbicide that causes the plants to be destroyed or prevents the growth of the plants or the ripening of their seeds;

“**Director**” means the Director of Legislative Services for the Town, or any Person designated by the Director to perform the duties of the Director under this By-law, and includes the Manager when so designated;

“**Garden**” means a clearly defined and intentionally planted area that is actively maintained in a manner that controls Nuisance Weeds and limits encroachment beyond the defined area, is distinguishable from unmanaged vegetation through visible design, borders, or delineation, and may include ornamental grasses, flowering plants, shrubs, vegetables, herbs, or native species intentionally cultivated for aesthetic or ecological purposes;

**“Grass”** means turfgrass customarily used to form a lawn, whether planted or naturally occurring, and does not include ornamental grasses or vegetation intentionally planted or maintained as part of a Garden or Naturalized Area;

**“Ground Cover”** means low-growing non-woody vegetation, other than Grass, that covers or is growing upon the surface of the ground, whether planted or naturally occurring, including clover and other similar broadleaf plants, but does not include vegetation intentionally planted or maintained as part of a Garden or Naturalized Area;

**“Land”** means any parcel of land, or any part thereof, including all private property, premises, grounds, yards, and vacant lots, whether occupied or unoccupied;

**“Manager”** means the Manager of the By-law Services Division for the Town, or their designate;

**“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c. 25;

**“Natural Growth Area”** means Land, or any portion of Land, that:

- (a) Is identified as environmental protection under the Town’s Zoning By-law, or any amendments thereto;
- (b) consists of or contains environmental features that are protected, regulated, or constrained by applicable law, including lands susceptible to flooding or erosion;
- (c) is comprised of steep slopes, ponds, wetlands, or other natural or ecological features that make the establishment or maintenance of a lawn, or the maintenance of vegetation in that area, unreasonable, impracticable, or unsafe; or
- (d) is comprised of natural environment Land that is owned, managed, or preserved by a federal or provincial government authority, agency, or department, or by the County of Simcoe or the Town, for the protection, operation, or preservation of stormwater management infrastructure, wildlife habitat, watercourses, wetlands, or forestry areas;

**“Naturalized Area”** means an area of Land that is intentionally designed, established, or ecologically managed, for the purpose of supporting biodiversity or pollinator habitat, through the use or retention of predominantly native or pollinator-supportive vegetation,

and that is reasonably distinguishable from unmanaged vegetation through the presence of defined boundaries, edges, buffers, signage, or other visible indicators of intentional maintenance, and that is maintained so as to be free from Nuisance Weeds;

**“Nuisance Weed”** means any plant species listed in Schedule “A” to this By-law, as amended from time to time;

**“Officer”** means a police officer, a municipal law enforcement officer, the Director, or any other Person appointed by by-law to enforce this By-law;

**“Owner”** includes:

- (a) the registered owner of the Land;
- (b) a Person who manages or receives rent from the Land, whether for their own account or as agent or trustee of another Person, or who would receive the rent if the Land were let;
- (c) a lessee or tenant of the Land under a lease;
- (d) a mortgagee in possession of the Land; and
- (e) an occupant who has care and control of the Land;

**“Person”** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual acting in the capacity of a trustee, executor, administrator, or other legal representative;

**“Town”** means the Corporation of the Town of Collingwood, or the Land within the geographic limits of the Corporation of the Town of Collingwood, as the context requires.

### **3. Purpose**

**3.1** The purpose of this By-law is to protect the health, safety, and well-being of the inhabitants of the Town; to prevent public nuisances and conditions of visual blight arising from unmanaged Grass and Ground Cover; to establish clear, objective, and consistent vegetation maintenance standards on private Land and adjoining Boulevards set at a minimal reasonable property standard; and to allow for environmentally responsible landscaping, gardens, and intentional naturalization.

#### **4. Interpretation**

- 4.1** Unless the context requires otherwise, words in the singular include the plural, words in the plural include the singular, and words importing gender include all genders.
- 4.2** Where a position identified in this By-law no longer exists, or its title has changed, the powers and duties assigned to that position may be exercised by the person who has assumed or been assigned the responsibilities of the former position until Council adopts an amending by-law.
- 4.3** A reference to any Act, regulation, or by-law is a reference to that Act, regulation, or by-law as amended or re-enacted from time to time.

#### **5. Applicability and Scope**

- 5.1** Unless otherwise indicated in this By-law, sections 7.1 and 7.2 apply to all Land within the Town from June 1 to November 15, inclusive, in each calendar year. All other provisions of this By-law apply from May 1 to November 15, inclusive, in each calendar year, except that sections 8.1, 8.2, and 8.3 apply at all times.
- 5.2** Where a provision of this By-law conflicts with a provision of any other Town by-law respecting vegetation maintenance standards, the provisions of this By-law shall prevail to the extent of the conflict.
- 5.3** Where Grass or Ground Cover exceeds the maximum height permitted under this By-law on any portion of the Land, that portion shall be deemed to be in non-compliance, unless that portion forms part of a Garden, Naturalized Area, or is otherwise exempt under section 9 of this By-law.
- 5.4** Nothing in this By-law authorizes the use of herbicides in a manner that contravenes any law in force in Ontario or Canada, nor does it limit or remove any obligations under the *Weed Control Act*, R.S.O. 1990, c. W.5, including the duty to Destroy noxious weeds where required.

**5.5** For greater certainty, **sections 7.1 and 7.2** regulate the height of Grass and Ground Cover only and do not regulate the height, appearance, or composition of Gardens, Naturalized Areas, or other intentional landscaping. **Sections 8.1 and 8.2** apply to vegetation of any type, including within a Garden or Naturalized Area, but only to the extent necessary to address sightline obstructions or encroachments that interfere with the safe and unobstructed use of highways, sidewalks, and Boulevards.

**5.6** Nothing in this By-law authorizes any Person to place, install, alter, excavate, landscape, or otherwise undertake works on a Boulevard or other municipal property, or to injure or remove vegetation on municipal property, except as expressly permitted by the Town. Any permit, approval, or authorization required under another Town by-law, policy, or program remains required.

## **6. Administration and Enforcement**

**6.1** The Director is delegated the authority to administer this By-law.

**6.2** This By-law shall be enforced by an Officer.

## **7. General**

**7.1** Every Owner of Land shall cut and maintain all Grass and Ground Cover on their Land to a height not exceeding twenty (20) centimetres, except where exempt under **section 9** of this By-law.

**7.2** Every Owner of Land shall, at their expense, cut and maintain all Grass and Ground Cover on any Boulevard contiguous with their Land to a height not exceeding twenty (20) centimetres, except where exempt under **section 9** of this By-law.

**7.3** Every Owner of Land shall Destroy and remove all Nuisance Weeds, including any Nuisance Weed seeds, on their Land, in accordance with this By-law.

**7.4** Every Owner of Land shall ensure that any Garden or Naturalized Area on their Land is kept free from Nuisance Weeds and is maintained so as to include visible indicators of intentional planting or management, which may include defined edges, borders, buffers, mown strips, mulch, stone, fencing, or other visible delineation.

**7.5** Every Owner of Land shall maintain any vegetation located on a Boulevard contiguous with their Land, to the extent that the Owner is lawfully permitted to do so, so that it:

- (a) is free from Nuisance Weeds; and,
- (b) complies with **sections 8.1 and 8.2** respecting sightline obstructions and encroachments that interfere with the safe and unobstructed use of a sidewalk, walkway, Boulevard, or highway.

For greater certainty, the Owner is not responsible for pruning, treating, or removing any Town-owned trees.

**7.6** Every Owner of Land who is served with an Order under this By-law shall comply with the terms of the Order within the time specified in the Order.

## **8. Prohibitions**

**8.1** No Owner shall permit any vegetation on their Land or on any Boulevard contiguous with their Land, including within a Garden or Naturalized Area, to obstruct sightlines so as to interfere with the safe movement of vehicles, cyclists, or pedestrians at intersections, driveways, or other locations where visibility is required for traffic safety. For greater certainty, an Owner's obligations under this section do not apply to Town-owned trees or other vegetation owned by the Town.

**8.2** No Owner shall permit any vegetation on their Land or on any Boulevard contiguous with their Land, including within a Garden or Naturalized Area, to encroach upon or interfere with the safe and unobstructed use of a sidewalk, walkway, or highway by vehicles, cyclists, or pedestrians. For greater certainty, an

Owner's obligations under this section do not apply to Town-owned trees or other vegetation owned by the Town.

- 8.3** No Person shall prune, injure, or remove any tree, shrub, or other woody plant owned by the Town and located on any Boulevard or other municipal property, except with the prior written authorization of the Town.

## **9. Exemptions and Exceptions**

- 9.1** Sections 7.1 and 7.2 apply to all Land in the Town, except for:

- (a) Rural Land, or any portion thereof, that is not reasonably intended or ordinarily maintained as a lawn;
- (b) Land, or any portion thereof, that meets the definition of a Natural Growth Area;
- (c) Land, or any portion thereof, that meets the definition of a Naturalized Area;
- (d) Land, or any portion thereof, that meets the definition of a Garden;
- (e) Land, or any portion thereof, that is actively participating in a Town-approved or Town-sanctioned initiative or program intended to promote naturalization, pollination, habitat creation, or ecological rejuvenation;
- (f) Land, or any portion thereof, that is owned or occupied by the Town and is intentionally designated or intended to remain in its existing or natural condition for ecological, environmental, stormwater management, biodiversity, naturalization, or carbon-reduction purposes; or
- (g) Land, or any portion thereof, that is being used for an Agricultural Operation.

- 9.2** For greater certainty, Land may be considered intentionally designated or intended for the purposes described in **clause 9.1(f)** where the Town has identified the Land, or any portion thereof, through signage, mapping, a Council resolution, adopted policies, or other municipal records, as being intended to remain in its existing or natural condition for one or more of those purposes.

- 9.3** Despite **section 7.2**, an Owner of Land is not required to cut or maintain Grass or Ground Cover on a Boulevard contiguous with their Land where:
- (a) the Town has assumed maintenance responsibility for that Boulevard through an adopted service level, written notice, contract, work order, or other municipal program or record; or
  - (b) the Owner cannot maintain the Boulevard due to physical or environmental constraints such as steep grades, retaining walls, fencing, drainage features, ditches, or similar conditions, as determined by the Director.
- 9.4** Despite **sections 7.2 and 7.5**, an Owner of Land is not required to cut or maintain vegetation on a Boulevard contiguous with their Land where the Land contiguous to that Boulevard on the opposite side is vacant, unoccupied, or undeveloped. For greater certainty, this exemption does not limit the application of **sections 8.1 and 8.2**, which continue to apply only in respect of vegetation that the Owner is otherwise responsible for under this By-law.
- 9.5** An Owner claiming an exemption for a Garden or Naturalized Area shall, upon request, provide reasonable evidence demonstrating that the area is intentionally established and maintained and meets the applicable definition and conditions for the claimed exemption.
- 9.6** Where, during an inspection, vegetation on the Land does not clearly demonstrate that it qualifies as a Garden, Naturalized Area, or other exemption under this By-law, an Officer may treat the area as non-exempt for the purposes of compliance and enforcement unless and until the Owner provides reasonable evidence establishing that the area qualifies for an exemption.
- 9.7** A court or tribunal may, in the absence of evidence to the contrary, infer from the observable condition of vegetation on the Land, including its height, density, species composition, and the absence of visible delineation or indicators of maintenance, that the vegetation is not a Garden, Naturalized Area, or other exempt area under this By-law. For greater certainty, no special or expert knowledge is required for a court or tribunal to make such an inference.

**9.8** The Town may establish a voluntary registration process for Owners who wish to identify their Land, or an area of their Land, as a Garden or Naturalized Area for the purposes of this By-law. Where an Owner has registered a Garden or Naturalized Area with the Town, such registration may be considered as reasonable evidence for the purposes of sections 9.5 and 9.6, provided the area continues to meet the applicable definition and is maintained in accordance with this By-law. Registration does not constitute approval, does not create an exemption from this By-law, and does not limit the application of sections 7.3, 7.4, 8.1, or 8.2.

## **10. Orders and Remedial Action**

**10.1** Where an Officer determines that any portion of the Land, or any Boulevard contiguous with the Land, is in non-compliance with this By-law and does not fall within an exemption or exception under this By-law, the Officer may issue an Order requiring the Owner to bring the non-compliant portion into compliance within the time specified in the Order.

**10.2** An Order may be served personally, by courier, by posting a copy on the property, by sending it by regular or registered mail to the Owner's last known address on the tax roll, by email to an email address provided by the Owner to the Town for the purpose of receiving notices, or by any combination of these methods.

**10.3** Service of an Order is deemed to have occurred:

- (a) on the date of personal service or posting;
- (b) on the date of email transmission, unless a delivery failure notice is received; or,
- (c) on the fifth (5th) day after the day of mailing, in the case of service by regular mail, registered mail, or courier.

**10.4** Where there is evidence that the Person in possession of the Land is not the registered Owner, the Order shall be served on both the registered Owner and the Person in possession of the Land.

- 10.5** If an Order is not complied with within the time specified in the Order, the Town, or its contractor, may enter upon the Land, at any reasonable time and without further notice, for the purpose of carrying out the work required by the Order, and may cut, remove, or otherwise remediate Grass, Ground Cover, or Nuisance Weeds and Nuisance Weed seeds, and may trim or remove other vegetation only to the extent necessary to address the specific contravention and bring the Land, or any Boulevard contiguous with the Land, into compliance with this By-law.
- 10.6** All costs incurred by the Town in enforcing this By-law, or in carrying out any work required under **section 10.5**, including the costs of cutting, removing, trimming, or otherwise remediating vegetation to the extent permitted by this By-law, are costs owed to the Town by the Owner of the Land.
- 10.7** All costs owed to the Town are due and payable within thirty (30) days of the billing date shown on the invoice. Any amount remaining unpaid after thirty (30) days may be added to the tax roll of the property and collected in the same manner as property taxes, and may also be subject to interest at a rate of 1.25% per month (15% per annum), applied monthly thereafter.
- 10.8** An Order issued under this By-law may apply for the remainder of the enforcement season set out in **section 5.1**, unless otherwise specified in the Order.
- 10.9** Where an Order remains in effect and the Owner fails to maintain compliance during the remainder of the enforcement season, the Town may take further enforcement action, including commencing a prosecution, issuing administrative penalties where authorized under this By-law, and undertaking remedial work under this section, without the need to issue an additional Order for the same non-compliance.
- 10.10** Where vegetation located on a Boulevard contiguous with the Land is not maintained in accordance with this By-law and, as a result, creates a contravention of **section 8.1 or 8.2**, the Town may trim, cut, remove, or otherwise remediate such vegetation and, where necessary as a result of the remedial work, may reinstate

the affected portion of the Boulevard to turfgrass, topsoil, or another standard municipal treatment, as determined by the Town. All costs associated with removal and reinstatement are costs owed to the Town by the Owner and may be recovered in accordance with sections 10.6 and 10.7.

## **11. Entry and Inspection**

**11.1** An Officer may enter onto Land at any reasonable time for the purpose of conducting an inspection to determine whether:

- (a) this By-law is being complied with; or,
- (b) a direction or Order made under the *Municipal Act, 2001*, is being complied with.

**11.2** For the purposes of an inspection under this By-law, an Officer may:

- (a) require the production of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any Person concerning a matter related to the inspection; and
- (d) alone or with a Person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.

**11.3** Where samples are taken, one part shall be provided to the Person from whom the sample is taken, upon request.

**11.4** Despite section 11.1, no Officer shall enter a room or place actually being used as a dwelling without the consent of the occupier or under the authority of a warrant issued under section 438 of the *Municipal Act, 2001*.

## **12. Obstruction**

**12.1** No Person shall obstruct or attempt to obstruct an Officer or any other Person exercising a power or performing a duty under this By-law or the *Municipal Act, 2001*.

**12.2** Without limiting **section 12.1**, “obstruct” includes:

- (a) hindering or misleading any Officer or any Person assisting an Officer;
- (b) knowingly providing false information or making a false claim or false statement;
- (c) preventing, barring, delaying, or attempting to prevent, bar, or delay entry or inspection by an Officer or any Person acting under the Officer’s direction;
- (d) preventing, barring, delaying, or attempting to prevent, bar, or delay any Person, including an Officer, from carrying out their duties or exercising their powers under this By-law, including the removal of documents or things relevant to the inspection, or the taking of tests, samples, or photographs necessary for the purposes of the inspection;
- (e) preventing, barring, delaying, or attempting to prevent, bar, or delay any Person, including an Officer, from exercising authority pursuant to a warrant issued under section 438 of the *Municipal Act, 2001*; and,
- (f) failing to provide, upon request by an Officer, any information, documents, or things relevant to an inspection.

**12.3** Every Person alleged to have contravened this By-law shall, upon request, provide their correct name and address to an Officer. A Person who refuses or fails to identify themselves is deemed to have obstructed the Officer in the execution of their duties, contrary to **section 12.1**.

### **13. Enforcement and Penalty Provisions**

**13.1** Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

**13.2** Each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the *Municipal Act, 2001*.

**13.3** Upon conviction, any penalty imposed under this By-law may be collected under the authority of and in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

**13.4** If a Person is convicted of an offence under this By-law, the court that enters the conviction, and any court of competent jurisdiction, may, in addition to any other remedy and any penalty imposed, make an order prohibiting the continuation or repetition of the offence.

#### **14. Administrative Monetary Penalties**

**14.1** The Town's Administrative Monetary Penalty By-law 2025-003 applies to this By-law.

**14.2** Every Person who contravenes a provision of this By-law is liable, upon issuance of a penalty notice in accordance with the Town's Administrative Monetary Penalty By-law 2025-003, to pay to the Town the applicable administrative penalty established under that By-law.

**14.3** A Person who is issued a penalty notice under the Town's Administrative Monetary Penalty By-law 2025-003 shall not be charged with an offence under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, for the same contravention.

**14.4** The issuance of an Order under this By-law does not prevent the Town from issuing a penalty notice for the same contravention, provided that no charge is laid under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 for that same contravention.

**14.5** The administrative penalty amounts applicable to contraventions of this By-law are as set out in Schedule 'B' of the Town's Administrative Monetary Penalty By-law 2025-003.

**15. Severability**

**15.1** If a court of competent jurisdiction declares any section or part of this By-law to be invalid or of no force and effect, it is the intention of Council that such section or part shall be deemed severed from this By-law, and the remainder of this By-law shall continue in full force and effect, unless the court makes an order to the contrary.

**16. Schedule(s)**

**16.1** The Schedule(s) attached to this By-law form part of this By-law and shall have the same force and effect as if they were set out in the body of the By-law.

**17. Repeal**

**17.1** By-law 03-18 is hereby repealed.

**17.2** Any resolutions of Council that are inconsistent with the provisions of this By-law are hereby repealed or are deemed to no longer be in effect.

**18. Effective Date**

**18.1** This By-law shall come into full force and effect on [DATE].

**ENACTED AND PASSED** this xx day of [month], [year].

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Mayor's Signature

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Clerk's Signature

**Schedule 'A'**  
**Nuisance Weeds**

<b>Item</b>	<b>Common Name</b>	<b>Scientific Name</b>
1.	Hogweed, giant	<i>Heracleum mantegazzianum</i> Sommier & Levier
2.	Poison-hemlock	<i>Conium maculatum</i> L.
3.	Parsnip, wild	<i>Pastinaca sativa</i> L.
4.	Poison-ivy	<i>Toxicodendron radicans</i> (L.) Kuntze
5.	Ragweed spp.	<i>Ambrosia</i> spp.