

LUD of Richer Unsightly Grass Enforcement Policy

Under the authority of the municipal Unsightly Property By-law

WHEREAS the RM of Ste. Anne's Unsightly Property By-law outlines that no owner shall allow their property to become unsightly, defined as being in the opinion of the Designated Officer that the property is detrimental to the surrounding area, including the growth of grass or weeds to a length which is unsightly or a nuisance to adjacent properties;

AND WHEREAS the Local Urban District of Richer (LUD) Committee would like the Designated Officers of the municipality, including the appointed By-law Enforcement Officer, to be empowered to enforce such unsightly properties automatically;

AND WHEREAS the LUD Committee would like to outline what is considered unreasonable growth within the boundaries of the LUD of Richer, as well as establish standards in high-visibility areas;

THEREFORE BE IT RESOLVED THAT Council be recommended to enact, as policy under the authority of the Unsightly Property By-law, the following:

1. Definitions:

- a. **"Designated Officer"** means an individual appointed to the role listed as a Designated Officer position of the RM of Ste. Anne as enacted through the Municipal Designated Officer By-law, including the appointed By-law Enforcement Officer.
- b. **"Garden"** means a well defined, planned, and maintained space on a property reserved for the intentional growth of vegetation such as native plants, fruits, vegetables, herbs, and flowers, among others.
- c. **"Grass"** means all forms, types and species of Grasses, and include weeds and other vegetation. Trees, shrubs, and fruit and vegetable plants, shall be excluded from this definition, as well as any portions of a Garden.

2. Application:

- a. In addition to the provisions contained in the municipal By-law prohibiting unsightly properties, no Owner of developed lands within the LUD of Richer
 - i. located along PR 302, Dawson Road, or Hwy #1E Service Road, shall permit Grass to grow in their front yards to a height greater than 6 inches (15.24 cm).
 - ii. located elsewhere shall permit Grass to grow in their front yards to a height greater than 8 inches (20.32 cm).
 - iii. with a municipal sidewalk or pathway running over or adjacent to the property, shall permit Grass to grow adjacent to the sidewalk or pathway to a height greater than 6 inches (15.24 cm) within 5 feet (1.5 m) of the sidewalk or pathway.

3. Authority to Enforce:

- a. The By-law Enforcement Officer is authorized to initiate enforcement automatically should they notice any property in contravention of section 2 above.

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- b. The By-law Enforcement Officer is authorized to initiate enforcement automatically should they notice any property in contravention of applicable municipal By-laws, such as when it is their opinion that the grass is of a length that is not esthetically pleasing, or is negatively impacting adjacent properties.

4. Enforcement Process:

- a. All enforcement is to be done by generally following the Municipal By-law Enforcement By-law and Policy processes, as tailored here specifically for the enforcement of grass:
 - i. Firstly, giving a Notice of Contravention to the Owners/Occupants with a deadline to comply, being no less than 5 days, and informing them of the next enforcement steps to be taken.
 - ii. Secondly, giving an Order to Remedy if compliance has not been achieved upon re-inspection. A new deadline to comply, being no less than 5 days will be provided, along with a warning including the amount of the fines that may be imposed as well as the actual cost of having the grass cut by the Municipality's contracted service provider to be borne by the owner/occupant.
 - iii. Finally, after not achieving compliance, the remedial work will be done by a municipally appointed contractor, with all associated costs to be invoiced to the Owner/Occupant, and a fine to be imposed as outlined in municipal by-laws, not to exceed \$1,000 per occurrence.

5. Subsequent Contravention:

- a. When a Notice of Contravention has been issued in respect of lands under this Policy, the Notice remains valid and enforceable in respect of any subsequent contravention occurring on those lands up to November 1st of the same calendar year.
 - i. any subsequent contraventions may be enforced by proceeding directly to the issuance of an Order to Remedy, followed by remedial actions.
 - ii. In addition to actual costs of remedial actions taken in respect of the contravention, fines may be imposed for each day the contravention continues beyond the deadline provided to remedy the tall Grass.

6. Appeals:

- a. After having received an Order to Remedy a Contravention, the recipient may file an appeal with the Chief Administrative Officer (CAO) by following the directions included on the Order to Remedy document.
 - i. The Owner/Occupant has up to 14 days from the issuance of the Order to Remedy to file their appeal.
 - ii. A Hearing will be held by Council no more than 30 days from the appeal having been received.
 - iii. Once the appeal has been received by the CAO, the deadline to comply is suspended pending Council's resolution on the appeal.
 - iv. Council's decision is final and not subject to further appeals.

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As recommended to Council for approval by the Local Urban District of Richer Committee on May 1, 2024, by Resolution #LUD-2024-39, and approved by Council Resolution #2024-182 on May 8, 2024.

Chair John Lenton
Local Urban District of Richer Committee

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