

Committee of the Whole (2) Report

DATE: Tuesday, December 5, 2023

WARD(S): ALL

TITLE: ENFORCEMENT ON UNKEMPT LAWNS ON PRIVATE PROPERTY AND ON GRAFITTI, ILLEGAL POSTERS AND SIGNS, AND LITTER ON AND AROUND PUBLIC INFRASTRUCTURE

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Through this report, staff provide an overview of the City's current approach to handling complaints about graffiti, signs, and litter, in and around utility junction boxes and community mailboxes, and long grass and weeds on both public property and private property. In addition, staff also outline a plan for improving the effectiveness of enforcement as it relates to these issues, including recommendations to give effect thereto.

Report Highlights

- To provide an overview of the current enforcement approach and existing service levels provided when responding to complaints respecting debris, litter, and signage in/on and around utility junction boxes and community mailboxes, as well as complaints relating to long grass and weeds on public property (boulevards and in the vicinity of mailboxes and utilities) and private property.
- To outline how staff intend to streamline processes and focus resources to enhance enforcement and achieve more timely compliance.
- To amend the Long Grass and Weeds By-law to provide relief to large properties under a development application.

Recommendations

1. THAT the following fees and penalty amounts be authorized to support the additional resources required to implement the proposed enhancements:
 - (a) a re-inspection fee of \$150 in all applicable regulatory by-laws;
 - (b) an increase in the administrative monetary penalty amount, for long grass and weeds, from \$250 to \$350, for a first offence;
 - (c) a remedial work administrative fee of \$300, in addition to any direct costs incurred in the remediation action undertaken by the City under any of its applicable regulatory by-laws;
 - (d) an increase in the administrative monetary penalty amount, for the placing of, or allowing to place, signs on infrastructure, from \$400 to \$500; and
 - (e) a doubling of the administrative monetary penalty amount for repeat offenders of the Long Grass and Weeds, Dumping and Graffiti By-laws.
2. THAT the Long Grass and Weeds By-law, as amended, be further amended to exempt properties that are larger than 50 hectares and are under a development application from being required to maintain grass and weeds under a height of 20 centimetres, but that despite such exemption, owners of such properties be required to maintain a three (3) metre buffer area from any lot line adjacent to a residential property within which grass and weeds cannot exceed 20 centimetres.
3. THAT all amending by-laws to give effect to the above recommendations be in a manner satisfactory to Legal Services.

Background

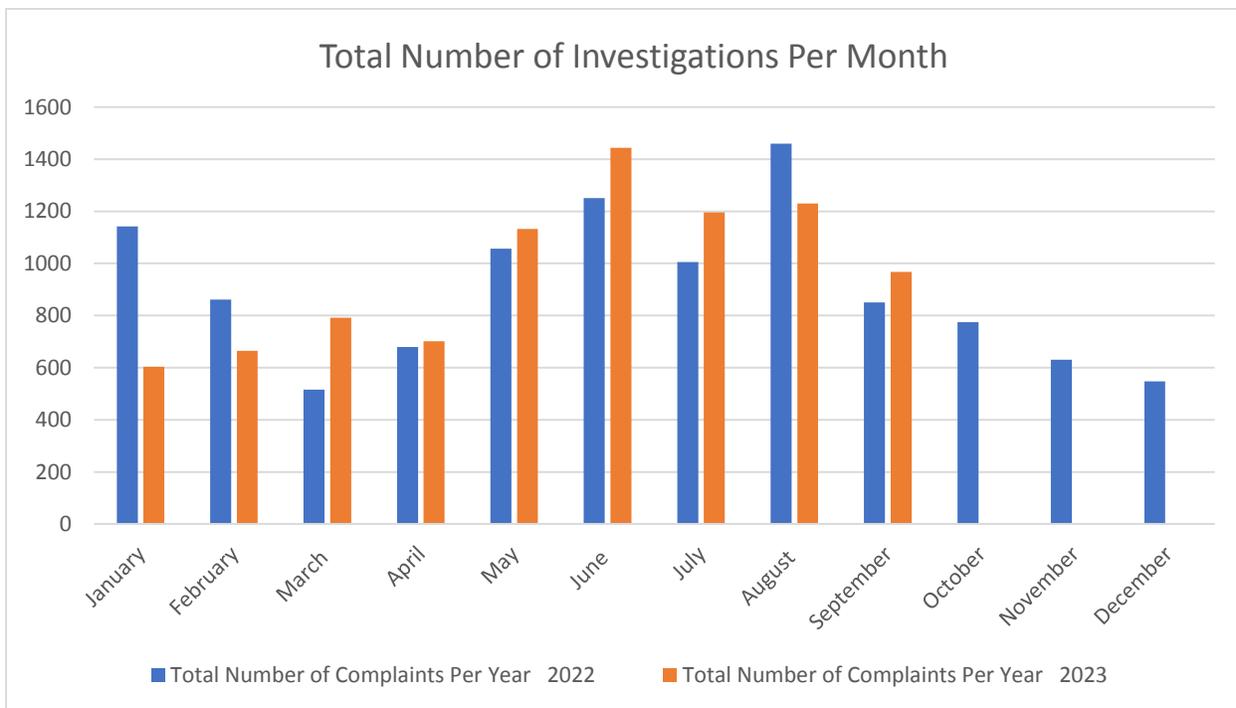
At the September 12, 2023, Committee of the Whole meeting, staff were requested to report back to Council on:

- the options, costs, and scenarios for maintaining utility junction boxes and community mailboxes free from litter, graffiti, signs, and other debris;
- enforcing by-laws with respect to the maintenance of unkempt lawns on residential properties, especially corner lots; and
- effectively and safely maintaining the boulevard to mitigate the unsightly growth of weeds on City infrastructure, including concrete medians, curbs, sidewalks, and roads.

Staff were requested to provide options in advance of the 2024 budget meetings. Options with respect to the removal of poster and sticker signs and the maintenance of infrastructure are addressed in a communication from Public Works, under separate cover. In addition, as a result of a number of recent complaints and a consequent review of by-laws in other municipalities, staff also considered how larger properties under development applications should be regulated under the City's Long Grass and Weeds By-law.

Prior to 2023, grass complaints were handled under the Property Standards By-law, through which the process for handling complaints was procedurally more onerous, due

to the service methods, appeal options, and the remediation processes required under the *Building Code Act*. In 2022, the City created a stand-alone Long Grass and Weeds By-law under the authority of the *Municipal Act*. This has streamlined the process and allowed Enforcement Services to deal more expeditiously and effectively with long grass complaints. However, the number of calls received by By-law and Compliance, Licensing and Permit Services (“BCLPS”) respecting long grass, over the past 18 months, has also increased substantially, with 1,159 long grass and weeds calls received in 2022, making up more than 10% of all by-law (non-animal control) related calls. The bar graph, below, shows the number of case files per month for 2022 and 2023, Aside from January and February of 2022, which were still very much affected by the aftermath of the COVID-19 state of emergency, the number of total by-law case files can be seen to be considerably higher between May and September.



In addition, the number of long grass and weeds calls in 2023 also experienced a significant increase, as a percentage of total calls, over 2022. One likely reason for the significant spike in the number of these complaints is awareness by the public of the new by-law (whereas long grass provisions were previously less conspicuously found under the Property Standards By-law). Another is the effective education and awareness campaigns by the City’s Corporate and Strategic Communications (“CSC”) Department with respect to maintaining one’s property and how to bring forward a concern or make a complaint. Although Enforcement Services has improved in its ability to address long grass issues through its new by-law, the significantly higher number of calls over the summer months, when other property-related calls are also spiking, has

continued to outstrip the Department's ability to keep pace. BCLPS is reviewing internal operational processes to ensure optimum efficiency.

What Happens When a Complaint is Received?

Enforcement Services receives and responds to complaints related to grass and weeds, on public and private property, litter and debris, signage, and graffiti. Anonymous complaints are generally not accepted or responded to, unless there is an identified health or safety concern (see [LS-001 Policy](#)). Residents may make a by-law-related complaint by email, at bylaw@vaughan.ca, by phone at 905-832-2281, or in person, Monday-Friday at City Hall during regular business hours.

When a complaint about long grass is received, information, including location, nature of the complaint, and complainant contact information, is recorded, and a case file is opened and assigned to an area officer for investigation and actioning.

An officer then attends the subject property, reviews the property conditions, and confirms whether a violation exists. If a violation is found, the initial action is to educate the property owners on their obligations. This is followed up by a time to comply, and/or orders issued with a timeframe to complete an action. If voluntary compliance is not achieved, and if the violation remains, the Officer will arrange to have the grass cut, with the costs being recovered in a manner like taxes. In addition, the Officer may issue a penalty notice for non-compliance.

Enforcement of By-laws Related to Property Maintenance

Both the [Property Standards By-law](#) and the [Long Grass and Weeds By-law](#) provide standards for private properties to ensure they are safe, nuisance-free and do not contribute to conditions that promote pest infestations or other conditions that detract from a healthy community. The Long Grass and Weeds By-law addresses long grass and weeds on both private and public property (boulevards), requiring property owners not to allow grass to exceed twenty (20) centimeters (approximately eight (8) inches) in height on both their property and on any adjacent boulevards. As such, Officers can issue notices and penalties for non-compliance under either requirement.

Long Grass and Weeds and the Enforcement Process

Long grass calls (i.e. inquires and complaints) tend to begin in earnest in the spring and continue into early fall. This is also the time over which the number of other property-related calls tend to spike, including complaints related to property standards, fences, and encroachments. The demand on Officers for response to calls, updates, and inquiries is considerably high, and matters are prioritized first on the basis of the risk they pose to health, safety and security. During times of high demand, this means that long grass and weed calls are often relegated to a lower priority, with the final result

being less timely resolution for these complaints. The increased demands for service have been further exacerbated in the last few years as a result of other key pressures and established priorities that draw on resources. These additional demands have included but are not limited to short-term rental enforcement (which did not exist in any significant way prior to 2022) and dealing with illegal uses on agricultural lands (for which there has been a redeployment of a dedicated full-time resource). BCLPS continues to find process improvements to manage demands, but must do so with due regard for public health and safety first. It is this prioritization that has been a key driver in turn-around time to achieving compliance.

Staff are exploring potential opportunities to streamline processes and create efficiencies that will ultimately enhance customer service by shortening the length of time from intake of complaint to final grass cutting. At the same time, staff are considering measures to ensure that the cost of enforcement and remediation is adequately off-set through fees and penalties. In addition, due to the seasonal spike of long grass and weeds complaints, staff will continue to assess and balance demands versus resources to ensure the greater public interest is served.

Communication and Public Education

In instances where a property has been identified as having long grass and weeds year over year, staff have issued courtesy notices early in the season to proactively remind owners of their obligations, and in this way gain voluntary compliance and ultimately avoid new complaints and the related need for further commitment of resources. Staff believe that these efforts have had mixed results and will work with enhancements to existing case management systems to better support service delivery and response times.

CSC leverages all its channels to educate residents about their responsibilities as they relate to property standards, from media outreach and social media to mobile signs and website content. In the past year alone, CSC has released thirty-six public service announcements and other public communications respecting long grass, waste, dumping and graffiti.

In addition, staff are reviewing the BCLPS webpages to optimally communicate where to report various issues, with direct links to the responsible entities, such as Canada Post or the various utility companies. Messaging will also include what the municipality will do in these instances, setting out the process, and clearly articulating service levels.

Regulations and Enforcement of Signs and Graffiti in the City

The Sign By-law regulates the display of signs in the city and outlines rules and requirements for the legal placement of signs. The [Anti-Graffiti By-law](#), outlines property owners' obligations with respect to graffiti. Poster and sticker type signs are prohibited

and are often found on mailboxes, utility boxes, streetlights, and signs. These types of sticker and poster signs are often challenging to remove due to their hazardous locations (e.g., on infrastructure located on traffic medians and often at more than arm's length height) and because removal often requires significant effort and can result in damage to the infrastructure. When installed on a mail or utility box, the City does not undertake removal in order to avoid any risks or liabilities; however, the City will document, track and report to Canada Post regarding their mailboxes and to utility companies regarding their infrastructure, to initiate removal.

Ultimately, the removal of posters, stickers and graffiti is a combined effort between BCLPS, PFHO, Transportation Services (both at the municipal and regional levels), utility providers, and Canada Post. So, while City departments each receive, track, and respond to complaints, signage and graffiti found on Canada Post or utility company (predominantly Alectra) assets are communicated to those entities for actioning (i.e., removal).

Parking & Sign Enforcement Officers track complaints about bag signs, and poster/stickers. Officers will remove such signs if it is safe to do so and under circumstances that will not result in damage to sensitive infrastructure, such as that owned by utility companies. Details of the infraction and sign removal are recorded, including date removed, sign location, and advertisement details. In many cases, files are closed at this stage, but where there are viable leads that can be pursued and may include sufficient information to identify the perpetrator, further investigations may be carried out to try to locate the business entity or person responsible for the placement of the sign, and to determine whether the offending business or person requires a municipal business licence. Officers have a number of enforcement tools at their disposal to deal with offending persons or businesses, including administrative monetary penalties, provincial offence charges, and remedial orders. Unfortunately, it is often difficult to track down offending businesses and/or individuals, as many of them are transient and not associated with a recognized business, location or identifiable entity that can be pursued. Staff are currently exploring technology-based solutions that may assist to better identify more prolific offenders, allowing for a greater focus on enforcement efforts.

Regulation of Litter Around Mailboxes and Utility Boxes

Litter on the boulevards, whether it is found on regional or municipal road allowance, determines the roles and responsibilities for cleanup. Litter in and around a mailbox is the responsibility of Canada Post. When dealing with litter on the road allowance, BCLPS often has limited ability to carry out effective enforcement, as there are usually no witnesses to the offence and evidence that may otherwise identify offenders is rare. As such, the most appropriate way of handling litter complaints is to ensure prompt removal, reserving initiation of investigations to circumstances that provide sufficient information to allow for it. In addition to the attention from the City's enforcement

department, staff maintain open lines of communication with Canada Post and utility companies that include referrals requesting remedial response and clean-up of litter, debris, and posters on their assets. Members of the public, upon finding a defaced mailbox or litter around a mailbox, may also contact Canada Post by email, at: gtastreetfurnituremaintenance@canadapost.postescanada.ca or may call Customer Service at 1-866-607-6301 or via online chat at <https://www.canadapost-postescanada.ca>, and provide Canada Post with the location of the vandalized box. Response time tends to vary with demand and is outside of the control of the City.

Under the City's Dumping By-law, individuals who litter or who do not keep their properties, or the boulevards adjacent to their properties, clear of litter, waste and debris may be subject to penalties or fines ranging from \$500 to \$50,000 for each offence. The City can also issue orders to property owners, requiring them to clear their properties from of all litter, waste, and debris. Failure to comply with an order may result in the City undertaking the work to have the waste and debris removed at the owner's expense, and/or may include related by-law charges.

Previous Reports/Authority

- [Property Standards By-law](#)
- [Long Grass and Weeds By-law](#)
- [Dumping By-law](#)
- [Sign By-law](#)
- [Anti-Graffiti By-law](#)

Analysis and Options

The existing service levels for responding to and handling complaints related to signs, litter and lawn maintenance on both private and public property, as well as enforcement processes on poster and sticker signs, are currently under review. Staff have so far identified a number of opportunities to improve the timeliness and effectiveness of enforcement, including process improvements and possible additional resources. Staff have also considered offsetting revenue sources, such as the introduction of new cost-recovery fees and escalated penalties.

Long grass and weed process & enhancements.

The current process from complaint intake to compliance is often not efficient, involving multiple site visits, protracted compliance windows, and extended communication with complainants. With the growing number of non-compliant properties, timely enforcement has become more challenging and even untenable at times. Thus, with the objective of reducing overall lead time, from the time the complaint is initiated to the time

compliance is gained and the file is closed, there are some areas identified where processes can be streamlined to achieve enhanced service levels.

New Revenue Streams to Fund Process Enhancements

Given the elevated levels of property-related complaints, especially with regards to long grass and weeds, and the ongoing designation of new by-laws under AMPs, including Property Standards and the Long Grass and Weeds By-laws, staff believe that revenue generated by the issuance of penalty notices, along with the fees being recommended in this report, can offset most, if not all, of any additional resources needed to better address long grass and other property-related issues. While process changes are being implemented to streamline and enhance service levels, the introduction of re-inspection fees and remediation administration fees will ensure costs are recovered when dealing with recalcitrant property owners.

Staff anticipate that streamlining and cost recovery measures alone will not likely be enough to deter what appears to be a general increase in inadequate property maintenance, that in turn drives the higher volume of long-grass and weeds calls. As such, staff believe that in addition to the above, implementation of the following measures will support more compliant public behaviour:

- (1) Creating a greater deterrent by increasing AMP amounts for long grass and weeds and poster/sticker signs;
- (2) Establishing higher AMP amounts for repeat offenders, to double down on the deterrent; and
- (3) Continuing to collaborate with Corporate and Strategic Communications to increase public awareness and education.

Finally, staff have also been considering amending regulations to account for sizeable properties under development applications. Many other GTA municipalities provide some level of relief to large vacant properties. At the same time, staff recognize that it is important to balance this with the need to ensure that conditions on properties do not create undue risks. As such, staff are proposing that vacant properties over 50 hectares in size, and that are under a development application, be permitted to only maintain a three-metre-wide buffer zone, from every lot line adjacent to residential properties, in accordance with the by-law requirement of 20 centimetres. Over the course of the 2024 season, staff will monitor the impact of these regulatory changes and, if necessary, bring back to Council any recommendations with additional provisions or amendments.

Financial Impact

The financial impact to enhance the enforcement of by-laws related to property maintenance currently remains under review and is not expected to impact the current 2024 operating budget submission. Staff conducted a sensitivity analysis on the

revenues that could be expected from the introduction of the fees and penalties being recommended. The analysis takes into consideration a potential range for the number of violations as well as a variable rate of compliance. At a mid-level number of infractions (determined to be 600) and a mid-level of voluntary compliance (determined at 70%), staff expect incremental revenue of approximately \$83,700. This amount will assist in better offsetting related operating costs.

Staff will monitor actual revenues through 2024 and assess any resource needs to continue to meet the growing enforcement demands. Permanent future needs will be considered through the appropriate annual budget process.

Operational Impact

This report was prepared in consultation with Parks, Forestry and Horticultural Operations, Transportation Services, Corporate and Strategic Communications, Legal Services, and Financial Planning and Development Finance.

Broader Regional Impacts/Considerations

There are no broader regional impacts as a result of the recommendations of this report.

Conclusion

BCLPS' existing approach to complaints of graffiti, poster signs, litter, in and around utility junction boxes and community mailboxes, and long grass and weeds on public and private property and infrastructure, has been challenged by quickly growing demands. Staff are currently working on implementing process enhancements and are recommending a series of fees and increases to penalties to better off-set operational expenses and provide quicker and more effective resolution to identified violations. Finally, staff are also recommending adjustments to current standards that include some relief to large properties under development, further ensuring reasonable and balanced standards by which properties are to be maintained while continuing to protect public health and safety and generally promote the greater public interest. The impact of these standards shall be monitored and assessed, with any further recommendations being brought forward to Council after the end of the 2024 season.

For more information, please contact:

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Attachments

N/A

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