

To: Community and Operations Services Committee

From: Kevin Alexander, Commissioner,  
Community and Operations Services Department

Report Number: CO-24-01

Date of Report: January 10, 2024

Date of Meeting: January 15, 2024

Subject: Investigation into the Proposals to Amend City By-laws to  
Include Noxious Weeds and Invasive Species

Ward: All Wards

File: 03-05

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## 1.0 Purpose

At its March 21, 2022 meeting, the Community Services Committee referred Report [CS-22-30](#) "Weeds By-law - Native Plant Working Group Report" (formerly OEAC-22-12), to staff to investigate the following proposed changes:

1. "In any current or future bylaws to change the wording from "weeds" to instead read "noxious weeds" as defined by the government of Ontario and Canada."
2. "In any current or future bylaws where vegetation is discussed (ie. weeds) to also include that no invasive plants as defined by the government of Ontario and Canada, the Ontario Invasive plant council, and the Invasive species Centre may be sold by businesses and/or privately, traded, planted, or nurtured within city limits."
3. "To specifically include/add into the bylaws when vegetation is discussed that Aegopodium podagraria and variations (goutweed), Convallaria majalis (lily valley), Hemerocallis fulva (orange daylily/ditch lily/common daylily), Hemerocallis lilioasphodelus (yellow daylily), Vinca minor and variations (periwinkle), Hedera helix and variations (English ivy), Campanula rapunculoides (creeping bell flower) – this list is not limiting. This can be added in the same location that ragweed and poison ivy is stated as not being allowed."

At its Council meeting of October 30, 2023, Council directed staff to investigate adding Common Buckthorn to the Weeds By-law to identify property owners' responsibility to remove Common Buckthorn from their non-agricultural property.

The purpose of this report is to respond to Committee and Council's direction.

Attachment 1 to this Report provides tables summarizing Noxious Weeds and Invasive Species as regulated by the Province of Ontario.

Attachment 2 to this Report is a table summarizing a review of other municipalities that prohibit noxious and local weeds through municipal by-laws.

Attachment 3 to this Report is the proposed amending by-law.

## **2.0 Recommendation**

That the Community and Operations Services Committee recommend to City Council:

That based on Report CO-24-01 dated January 10, 2024 concerning noxious weeds and invasive species:

1. That Council pass a by-law to amend Lot Maintenance By-law 127-2007, as amended, to address noxious weeds as listed under the Weed Control Act, 1990 as outlined in Attachment 3 to this Report and in a form and content acceptable to Legal Services and the Commissioner, Community and Operations Services; and,
2. That staff develop a public awareness campaign specific to the invasive nature of common garden plants and proper disposal methods.

## **3.0 Executive Summary**

Not Applicable

## **4.0 Input From Other Sources**

- Corporate Communications
- Legislative Services
- Finance Services
- Municipal Law Enforcement and Licensing Services
- Legal Services
- Municipalities: Pickering, Whitby, Uxbridge, Scugog, Clarington, Halton Hills, Burlington, Toronto, Hamilton, Richmond Hill, Newmarket, Mississauga, Oakville, Stratford, Waterloo, Vaughan, Ajax, St. Catharines, and Barrie

## **5.0 Analysis**

### **5.1 Noxious Weeds**

Under the [Weed Control Act, 1990](#) (“W.C.A.”) the Province of Ontario regulates noxious weeds on lands in close proximity to lands used for agricultural or horticultural purposes. As per the W.C.A., weeds are considered to be noxious if they pose a risk or are harmful to agricultural and horticultural operations (i.e. reduce yield or quality of crop or negatively affect health and well-being of livestock or agricultural workers). There are 25 weeds that are designated in the W.C.A. as “noxious” weeds and that must be destroyed if negatively impacting human health, agricultural and horticulture lands. A list of these provincially

designated “noxious weeds” is provided in Table 1 of Attachment 1. Landowners whose property contains regulated noxious weeds and weed seeds that negatively affect agricultural lands are responsible for weed control and associated costs.

In accordance with the W.C.A., noxious weeds can be destroyed by:

- pulling or 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
- treating with an herbicide, in accordance with regulatory requirements, that causes the plants to be destroyed or prevents the growth of the plants or the ripening of their seeds

There are circumstances where these noxious weed species may be found within City greenspaces and near travelled areas of City property such as parks and trails. The City of Oshawa maintains naturalized areas in accordance with naturalization best management practices and addresses concerns by mowing buffer areas adjacent to private property, recreational trails and parks, installing signage and/or fencing off areas in close proximity to playgrounds and sports fields, distributing public notices to adjacent property owners and regularly monitoring areas of concern. If grass cutting does not successfully control these weeds and they still pose a public safety hazard, the City may choose to use herbicides where appropriate and in accordance with the provisions of the Pesticide Act, R.S.O. 1990, c. P.11 (“Pesticide Act”).

## **5.2 Restricting the sale of invasive species**

There is a shared responsibility between federal and provincial governments when it comes to managing agriculture, forests and wildlife. The Canadian Food Inspection Agency (“C.F.I.A.”) has authority under the Plant Protection Act (S.C. 1990, c. 22), the purpose of which is to “protect plant life and the agricultural and forestry sectors of the Canadian economy by preventing the importation, exportation and spread of pests and by controlling or eradicating pests in Canada”.

The Province of Ontario has set out rules to prevent and control the spread of invasive species in Ontario under the Invasive Species Act, 2015, S.O. 2015, c. 22 ([Invasive Species Act](#) or “I.S.A.”) and in particular, O. Reg. 354/16: General under the Invasive Species Act, 2015. Species regulated under the I.S.A. pose a risk to Ontario’s natural environment based on biological characteristics, risk of harm to the natural environment, ability to disperse and social and economic impacts.

There are two (2) classes of invasive species regulated under the I.S.A.:

- 22 species have been classified as “prohibited species” meaning that it is illegal to import, possess, deposit, release, transport, breed/grow, buy, sell, lease or trade them in Ontario; and,
- 11 species are classified as “restricted species” and cannot be deposited or released in Ontario and cannot be brought into a provincial park or conservation reserve.

These species include various species of fish, insects, aquatic invertebrates, and plants.

Tables 2 and 3 of Attachment 1 provide a breakdown of the regulated plant species, by classification, as of December 2023. Illegal importation, distribution, or sale of regulated invasive plants can be reported to the Ministry of Natural Resources and Forestry TIPS line at 1-877-TIPS-MNR (847- 7667).

Amendments to City by-laws to ban businesses and individuals from selling, trading, or nurturing regulated species within the City would be a duplication of existing provincial regulations. The [Ontario Invasive Plant Council](#) and the [Invasive Species Centre](#) have developed education and “best management” practices for many of these regulated species. Ensuring complaints are reported directly to the proper provincial agency and increasing public awareness would be the City’s role.

### **5.3 Additional Species**

The specific plant species identified in Proposal 3 of Report CS-22-30 are common in many residential gardens throughout Ontario. Although these plants can be moderately invasive, these species are not considered noxious and are not regulated provincially or federally at this time.

These species are often spread by illegal dumping of yard waste in natural areas. The community would benefit from an awareness campaign about the invasive nature of common garden plants and proper disposal. There are a number of public programs that are promoted through various organizations such as Ontario Invasive Plant Council’s [“Grow Me Instead”](#) guide that can be utilized.

### **5.4 Municipal Comparators**

Staff undertook a scan of other area municipalities’ by-laws and found that many municipalities have incorporated noxious weeds as a prohibited category under their respective lot maintenance and/or property standards by-laws which require property owners to remove and control noxious weeds as defined under the W.C.A. Some municipalities have included additional prohibitions on other “local weeds”. A summary of municipalities that prohibit noxious and local weeds through various by-laws is appended as Attachment 2.

### **5.5 Lot Maintenance By-law and Enforcement**

The City does not have a “Weeds By-law”; however, the [Lot Maintenance By-law 127-2007](#), as amended (“Lot Maintenance By-law”), deals with minimum standards for the upkeep of properties including long grass and weeds. “Weeds” is not currently a defined term within the Lot Maintenance By-law, which allows for flexibility from an enforcement perspective.

The intent of the Lot Maintenance By-law is primarily related to ensuring lots are maintained and that grass and weeds are kept at an appropriate height so as not to pose a sight obstruction. Additionally, the Lot Maintenance By-law currently requires property owners to keep their lots and boulevards free of ragweed and poison ivy. The inclusion of

these two species of “noxious weeds” is likely a reflection of the risks they pose to human health and their abundance in both rural and urban environments.

Noxious weeds and invasive species generally establish themselves in areas that are not maintained. There are many privately owned vacant and naturalized non-residential properties that are addressed under Lot Maintenance By-law each year. Currently, complaints for long grass and weeds on these lots are easily assessed by M.L.E.L.S. and can be addressed by simply cutting and trimming the entire lot.

The proposed by-law to amend the Lot Maintenance By-law, to address noxious weeds as designated under the W.C.A., is appended as Attachment 3. The following proposed changes to Lot Maintenance By-law will apply to all property owners within the City regardless of the impact on agricultural land:

- a new definition and provision under Section 2.1 to define “Noxious Weeds” based on the species within the W.C.A.;
- an update to the standards for lot maintenance, under Section 4.1, which would restrict property owners from allowing noxious weeds on their property; and,
- the addition of standards for the removal and destruction of noxious weeds by owners if these species are found on their property.

## **5.6 Public Awareness**

To address the concerns raised by the Oshawa Environmental Advisory Committee staff will work with Corporate Communications to develop a public awareness campaign specific to the invasive nature of common garden plants and proper disposal methods. Messaging and materials for the awareness campaign will be developed using existing resources available through organizations such as the Ontario Invasive Plant Council and the Invasive Species Centre and in collaboration with the O.E.A.C..

## **6.0 Financial Implications**

It is estimated that an annual requirement of \$5,000 will be needed to implement the public awareness campaign. For 2024, this cost could be absorbed in the 2024 Operations Services operating budget. Future budget submissions will consider an ongoing annual campaign.

## **7.0 Relationship to the Oshawa Strategic Plan**

This Report advances the Accountable Leadership, Financial Stewardship and Environmental Responsibility goals of the Oshawa Strategic Plan.



Mike Saulnier, Director,  
Operations Services



Kevin Alexander, Commissioner,  
Community and Operations Services Department

**Summary of Noxious Weeds and Invasive Species Regulated  
by the province of Ontario**

**Table 1: Designated Noxious Weeds** - Schedule contained in [R.R.O. 1990, Regulation 1096](#), under the [Weed Control Act, R.S.O. 1990, c. W.5](#) as of October 2023

<b>Common Name</b>	<b>Scientific Name</b>
Barberry, common	<i>Berberis vulgaris</i> L.
Bedstraw, smooth	<i>Galium mollugo</i> L.
Buckthorn, European	<i>Rhamnus cathartica</i> L.
Chervil, wild	<i>Anthriscus sylvestris</i> (L.) Hoffmann
Coltsfoot	<i>Tussilago farfara</i> L.
Crupina, common	<i>Crupina vulgaris</i> Cass.
Cupgrass, woolly	<i>Eriochloa villosa</i> (Thunb.) Kunth
Dodder spp.	<i>Cuscuta</i> spp.
Dog-strangling vine	<i>Vincetoxicum rossicum</i> (Kleopow) Barbar.
Dog-strangling vine, black	<i>Vincetoxicum nigrum</i> (L.) Moench
Goatgrass, jointed	<i>Aegilops cylindrical</i> Host
Hogweed, giant	<i>Heracleum mantegazzianum</i> Sommier & Levier
Knapweed spp.	<i>Centaurea</i> spp.
Kudzu	<i>Pueraria montana</i> (Lour.) Merr.
Parsnip, wild	<i>Pastinaca sativa</i> L.
Poison-hemlock	<i>Conium maculatum</i> L.
Poison-ivy	<i>Toxicodendron radicans</i> (L.) Kuntze
Ragweed spp.	<i>Ambrosia</i> spp.
Ragwort, tansy	<i>Senecio jacobaea</i> L.
Sow-thistle spp.	<i>Sonchus</i> spp.
Spurge, cypress	<i>Euphorbia cyparissias</i> L.
Spurge, leafy	<i>Euphorbia esula</i> L.
Thistle, bull	<i>Cirsium vulgare</i> (Savi) Tenore
Thistle, Canada	<i>Cirsium arvense</i> (L.) Scopoli
Tussock, serrated	<i>Nassella trichotoma</i> Hackel ex Arech.

**Designated Invasive Plant Species** - [O. Reg. 354/16: GENERAL under Invasive Species Act, 2015, S.O. 2015, c. 22](#) as of October 23, 2023

**Table 2: Prohibited Invasive Species (plants)**

<b>Common Name</b>	<b>Scientific Name</b>
Brazilian elodea (Brazilian waterweed)	<i>Egeria densa</i>
European water chestnut	<i>Trapa natans</i>
Hydrilla	<i>Hydrilla verticillata</i>
Parrot feather	<i>Myriophyllum aquaticum</i>
Water soldier	<i>Stratiotes aloides</i>

**Table 3: Restricted Invasive Species**

<b>Common Name</b>	<b>Scientific Name</b>
Black dog-strangling vine (black swallowwort)	<i>Cynanchum louiseae</i>
Dog strangling vine (pale swallowwort)	<i>Cynanchum rossicum</i>
Japanese knotweed	<i>Reynoutria japonica</i> var. <i>japonica</i>
Phragmites (European common reed)	<i>Phragmites australis</i> subsp. <i>Australis</i>
Carolina fanwort	<i>Cabomba caroliniana</i>
Yellow floating heart	<i>Nymphoides peltate</i>
Bohemian knotweed	<i>Reynoutria xbohemica</i>
Giant knotweed	<i>Reynoutria sachalinensis</i>
Himalayan knotweed	<i>Koenigia polystachya</i>
European frog-bit	<i>Hydrocharis morsus-ranae</i>



### Summary of Municipalities Prohibiting Noxious and Local Weeds

Municipality	By-law Prohibiting “Noxious Weeds”	By-law Prohibiting Local Weeds	Respective By-law Summary
Ajax <a href="#">Property Standards By-law 46-2017</a>	Not referenced	Not referenced	“Weeds” is not a defined term. Limits the growing height of weeds.
Clarington <a href="#">Clean and Clear By-law</a>	Not referenced	Not referenced	“Weeds” is not a defined term. Limits the growing height of weeds.
Pickering <a href="#">Property Standards By-law 7887/21</a>	All designated noxious weeds under the W.C.A.	Not referenced	Heavy undergrowth and Noxious Weeds shall be controlled.
Whitby <a href="#">Property Standards By-law</a>	All designated noxious weeds under the W.C.A.	Not referenced	Every owner of property shall maintain the lot or property free from “noxious weeds”.
Uxbridge <a href="#">Property Standards By-law 2012-144</a>	All designated noxious weeds under the W.C.A.	Not referenced	All yards and vacant lots shall be kept clean and free from “noxious weeds”.
Scugog <a href="#">Property Standards By-law 16-15</a>	All designated noxious weeds under the W.C.A.	Not referenced	All Property shall be kept clean and free from noxious weeds.
Barrie <a href="#">Yard Maintenance By-law 2011-107</a>	Not referenced	Not referenced	“Weeds” is not a defined term but is referred to as part of definition of “ground cover”. Provides height restrictions.

Municipality	By-law Prohibiting “Noxious Weeds”	By-law Prohibiting Local Weeds	Respective By-law Summary
<p>Halton Hills  <a href="#">Community Standards By-law 2008-0138</a></p>	<p>Identifies 9 of the 25 noxious weed species (defined as Nuisance Weeds”) Wild Parsnip, Dog Strangling Vine, Wild Chervil, Poison Ivy, Ragweed, Sow Thistle, Bull Thistle, Canada Thistle, and Giant Hogweed</p>	<p>Identifies additional “Nuisance Weeds” Climbing Nightshade, Deadly Nightshade, Scotch Thistle, Nodding Thistle, Russian Thistle, Purple Loosestrife, and Hemp (Stinging) Nettle</p>	<p>Every owner shall destroy and remove all “nuisance weeds” and weed seeds on their lands.  Does not apply to farmland, pasture or land in crop production, open space areas designated by the Town, reforested lands, naturalized areas or parts within a park in its natural state, golf courses and lands adjacent to major roadways.</p>
<p>Burlington  <a href="#">Lot Maintenance By-law</a></p>	<p>All designated noxious weeds under the W.C.A.</p>	<p>Not referenced</p>	<p>Every owner of property shall remove and destroy all noxious weeds, whether dead or alive, from their lot and keep the boulevard free of all noxious weeds.</p>
<p>Toronto  <a href="#">Turf grass and Prohibited Plants By-law</a>, Chapter 489</p>	<p>Identifies 7 of the 25 noxious weed species (defined as “Local Weeds”) Canada thistle, Common buckthorn, Dog-strangling vine, Giant hogweed, Poison ivy, and Ragweed</p>	<p>Defined as “Local Weeds” Garlic mustard, Glossy buckthorn, Japanese knotweed, Phragmites, and Purple loosestrife</p>	<p>Private land shall be kept free of any “local weeds”.</p>
<p>St. Catharines  <a href="#">Weeds and Tall Grass By-law 2004-122</a></p>	<p>Not referenced</p>	<p>Not referenced</p>	<p>“Weeds” is not a defined term. Limits the growing height of weeds.</p>

Municipality	By-law Prohibiting “Noxious Weeds”	By-law Prohibiting Local Weeds	Respective By-law Summary
<p>Hamilton  <a href="#">Property Maintenance By-law 10-118</a></p>	<p>All designated noxious weeds under the W.C.A.</p>	<p>Not referenced</p>	<p>Every owner or occupant shall keep yard clean and cleared up (for property within the urban boundary) - remove all noxious weeds and, in the case of poison ivy, to treat the poison ivy with an herbicide that causes it to be destroyed or which prevents the growth of the poison ivy or the ripening of its seeds.</p>
<p>Richmond Hill  <a href="#">Grass and Weeds By-law 31-19</a></p>	<p>All designated noxious weeds under the W.C.A.</p>	<p>Not referenced</p>	<p>All vacant lots and every yard shall be kept clean and free from heavy undergrowth and noxious weeds.</p>
<p>Newmarket  <a href="#">Clean Yards By-law 2017-63</a></p>	<p>Not defined</p>	<p>Not referenced</p>	<p>Every Owner shall maintain the Property clean and free from heavy undergrowth and noxious weeds. (noxious weeds is not defined).</p>
<p>Mississauga  <a href="#">Nuisance Weed and Tall Grass Control By-law 127-17</a></p>	<p>All designated noxious weeds under the W.C.A. Defined as “nuisance weeds”</p>	<p>Not referenced</p>	<p>Every Owner of Land shall destroy and remove all Nuisance Weeds and Nuisance Weed Seeds on their Lands.</p>

Municipality	By-law Prohibiting “Noxious Weeds”	By-law Prohibiting Local Weeds	Respective By-law Summary
<p>Oakville  <a href="#">Lot Maintenance By-law 2023-075</a></p>	<p>All designated noxious weeds under the W.C.A.</p>	<p>Defined as “Common Weeds”  Includes but not limited to crab grass, dandelions, clovers, pigweed and plantain</p>	<p>Owners to remove and destroy all noxious weeds from their property whether dead or alive (pulling, cutting roots, turning soil/bury, treating with herbicide as long as it does not contravene pesticides or other laws in Ontario, using established provincially endorsed weed management strategies) and keep boulevard free of all noxious weeds.</p>
<p>Stratford  <a href="#">Lot maintenance by-law 94-2008</a></p>	<p>All designated noxious weeds under the W.C.A.</p>	<p>Not referenced</p>	<p>Every owner shall maintain their natural area or landscaped area in a state of good repair, free from weeds.</p>
<p>Waterloo  <a href="#">Lot maintenance by-law</a></p>	<p>All designated noxious weeds under the W.C.A. (defined as part of “undesirable material”)</p>	<p>Not referenced</p>	<p>No owner or occupant shall have or permit to have undesirable material on their lot or boulevard.</p>
<p>Vaughan  <a href="#">Property Standards By-law 231-2011</a></p>	<p>All designated noxious weeds under the W.C.A.</p>	<p>Not referenced</p>	<p>Every yard shall be kept clean and free from noxious weeds as defined in the Weeds Control Act, R.S.O. 1990, c. W.5, as amended.  Doesn't apply to public lands owned by City or Region.</p>



**By-law -2024  
of The Corporation of the City of Oshawa**

Being a By-law to further amend By-law 127-2007, as amended (“Lot Maintenance By-law”) of the Corporation of the City of Oshawa.

Whereas pursuant to Report CO-24-01 dated January 10, 2023 Investigation into the Proposals to amend City by-laws to include noxious weeds and invasive species; and,

City Council considers it appropriate to further amend Lot Maintenance By-law 127-2007, as amended, to address noxious weeds as listed under the Weed Control Act, R.S.O. 1990, c. W.5;

Therefore it is enacted as a By-law of the Corporation of the City of Oshawa:

The Lot Maintenance By-law 127-2007, as amended, is hereby further amended as follows:

1. By adding a new subsection immediately after Section 2.1(h):

“(h.1) “Noxious Weeds” as defined and designated by R.R.O. 1990, Reg. 1096: GENERAL under Weed Control Act, R.S.O. 1990, c. W.5., as amended from time to time.”
2. By deleting Section 4 of Sections 4.1(d) and (e) and replacing with the following:

“(d) Noxious Weeds;”
3. By deleting Sections 4.6(b) to (d) and replacing with the following:

“(b) grass or weeds to grow to a height exceeding 20 centimetres (8 inches); or  
(c) Noxious Weeds”
4. By adding a new subsection as follows:

“4.10 Noxious Weeds

Every owner shall remove and destroy all noxious weeds from their property, whether dead or alive.

For the purpose of this subsection, noxious weeds shall be destroyed by the following means:

  - (a) pulling or otherwise removing the plants from the soil;
  - (b) cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after cutting;
  - (c) turning the soil in which the plants are or were growing so as to bury or kill the weeds;

- (d) treating it with herbicide that causes the plants to be destroyed, or which prevents the growth of plants or the ripening of their seeds, provided that nothing in this clause authorizes the use of any herbicide that is contrary to any other law in force in Ontario; or
- (e) in a manner consistent with targeted and established provincially endorsed weed management strategies.”

By-law passed this            day of            , 2024.

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Mayor

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City Clerk