



The Corporation of the Town of Fort Erie By-law 37-2025

Being a By-law to Amend the Lot Maintenance By-law 92-2019 to Permit and Regulate Naturalized Gardens

Whereas By-law 92-2019 was passed by the Municipal Council of the Town of Fort Erie on June 17, 2019, to provide for the maintenance of property and land within the Town of Fort Erie; and

Whereas at the Council-in-Committee meeting held April 14, 2025, Council considered and approved Report PBBS-33-2025, recommending amendments to the Lot Maintenance By-law; and

Whereas the proposed amendments support the Town's commitment to environmental stewardship and biodiversity, including its resolution to apply to become a Bee City through Bee City Canada, by permitting and regulating naturalized gardens; and

Whereas it is deemed desirable to amend By-law No. 92-2019 to incorporate these changes, including the addition of new definitions, and to clarify provisions related to vegetation and turfgrass maintenance;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Section 2.0 of By-law 92-2019 is amended by adding the following definitions, to be inserted in alphabetical order in accordance with the existing sequence of definitions in the By-law:

"Front Yard" means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building or structure on such lot.

"Injurious insect" means any insect that is deemed a health hazard in the *Health Protection and Promotion Act*, or any insect that is capable of causing structural damage to a building or structure, including termites and carpenter ants.

"Naturalized Garden" means an area or vegetation deliberately planted or cultivated with one or more species of wildflowers, shrubs, annuals, perennials, ornamental grasses, trees or combination of them, that is maintained by a person.

"Perimeter Strip" means the cutting of a minimum 10 metre (32 feet) wide border of vegetative growth or turfgrass immediately adjacent to the lot line where the lot line adjoins any other property;

"Pollinators" may include bees, butterflies, wasps, flies, some beetles and hummingbirds. Pollinators transfer pollen in and between flowers while visiting a plant for food.

2. **That** Section 6.1 of By-law No. 92-2019 is hereby deleted and replaced with the following:

"6.1 Every Owner shall ensure that, other than on land zoned for agricultural operations, turfgrass is kept trimmed to a maximum height of 15 cm (6 inches), including the grassy boulevard portion of any highway or part thereof, in front of, alongside, or at the rear of, any building or land;"

3. **That** Section 6.2 of By-law No. 92-2019 is deleted and replaced with the following:

"6.2 Notwithstanding Section 6.1, every Owner shall ensure that, if a property consists of turfgrass and is over 1 hectare (2.47 acres) in size, the cutting of a perimeter strip is required whenever the growth exceeds 15 cm (6 inches) in height."

4. That Section 6.3 of By-law No. 92-2019 is deleted and replaced with the following:

“6.3 Every Owner shall maintain all vegetative growth, which for the purpose of this section includes naturalized gardens and other vegetation, on the lot of their property according to the following requirements:

- (a) Vegetative growth shall not obstruct sidewalks or streets;
- (b) Pollinator gardens shall be set back 1 metre from any lot line located in the front yard of the property;
- (c) Vegetative growth shall not conceal or interfere with the use of any fire hydrant or water valves;
- (d) Vegetative growth shall not restrict driver and/or pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices;
- (e) Vegetative growth shall not encroach on any neighbouring or Town properties; and
- (f) Vegetative growth shall not contravene any other conditions respecting health and safety as the Director considers advisable.”

5. That Section 6.4 of By-law No. 92-2019 is deleted and replaced with the following:

“6.4 Every Owner shall maintain their land free of the prohibited plants as identified in Schedule "B" of this By-law.”

6. That the following new Sections 6.5, 6.6 and 6.7 are added to By-law 92-2019:

“6.5 Every Owner shall ensure that weeds are controlled by:

- (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 were growing so as to kill the weeds; or
- (d) in the case of poison ivy, treating it with a herbicide that causes the plant to be destroyed, or prevents the growth of plants or the ripening of its seeds, provided that nothing in this clause authorizes the use of any herbicide contrary to any other law in force in the Province of Ontario.

6.6 Every Owner shall keep their land and structures clean and free from:

- (a) dead, decayed, felled, fallen or damaged trees, or other natural growth, and the branches or limbs thereof which may create an unsafe condition; and
- (b) injurious insects, termites, rodents, vermin or other pests, as well as conditions which may result in the harbouring of such pests. Pollinators shall be exempt from this subsection.
- (c) Notwithstanding subsection (b), pollinators shall not be housed within any settlement area as defined in the Town's Zoning By-law.

6.7 Every Owner shall ensure that trees or shrubs on their land do not interfere with:

- (a) the Town's or Region's highways, works, including sewer and water pipes;
- (b) pedestrian or vehicular traffic on a highway;

- (c) motorists’ or pedestrians’ view of directional signs or traffic control devices on a highway; or
- (d) the sightlines of motorists or pedestrians.”
- 7. **That** By-law 92-2019 is further amended by adding a new Schedule “B” entitled “Prohibited Plants”, attached to and forming part of this by-law.
- 8. **That** all other provisions of By-law 92-2019, as amended, shall remain in full force and effect.
- 9. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of April 2025.

Mayor

Clerk

Schedule “A” to By-law 37-2025

SCHEDULE “B” Lot Maintenance By-law 92-2019, as amended

PROHIBITED PLANTS

For the purposes of Section 6.4 of this By-law, the following plants are prohibited from being grown or maintained on any land within the Town of Fort Erie:

1. Canada thistle (*Cirsium arvense*)
2. Common buckthorn (*Rhamnus cathartica*)
3. Glossy buckthorn (*Frangula alnus*)
4. Dog-strangling vine (*Cynanchum rossicum*; *Cynanchum louiseae*)
5. Garlic mustard (*Alliaria petiolata*)
6. Giant hogweed (*Heracleum mantegazzianum*)
7. Japanese knotweed (*Reynoutria japonica* var. *japonica*)
8. Phragmites (*Phragmites australis* subsp. *australis*)
9. Poison ivy (*Toxicodendron radicans*)
10. Purple loosestrife (*Lythrum salicaria*)
11. Ragweed (*Ambrosia artemisiifolia*)
12. Any noxious weeds designated by or under the *Weed Control Act*, R.S.O. 1990, c. W.5

Note: This list may be updated from time to time by Council or as required to reflect amendments to the *Weed Control Act* or other applicable provincial legislation.