



The Corporation of the Town of Fort Erie By-law 30-2026

Being a By-law to Amend Lot Maintenance By-law 92-2019 to Update Regulations Respecting Vegetation and Naturalized Areas

Whereas By-law 92-2019, as amended, regulates the maintenance of lands, including the control of refuse, vegetation and other conditions affecting property standards within the Town of Fort Erie; and

Whereas a recent decision of the Ontario Superior Court of Justice determined that municipal by-law provisions imposing blanket restrictions on naturalized vegetation, including maximum height limits, may infringe upon freedom of expression as protected under the *Canadian Charter of Rights and Freedoms* where such restrictions are not demonstrably justified as necessary to address legitimate public health or safety concerns; and

Whereas municipalities must ensure that any such regulations are reasonably tailored and minimally impairing in order to balance individual expression with the protection of public health, safety, and property standards; and

Whereas it is deemed necessary to amend Lot Maintenance By-law 92-2019, as amended, to ensure regulatory compliance while balancing public health, safety, property standards and individual expression;

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

1. **That** By-law 92-2019, as amended, be further amended by adding the following definitions under Section 2.0:

“Buffer Strip” means a maintained strip of vegetative growth located along a lot line within the front yard of a property, extending inward from and parallel to the property boundary where the lot line abuts another property.

“Health or Safety Hazard” means any condition on a property that poses a risk of injury, illness, or harm to persons, animals, or property, including but not limited to, conditions that: (a) harbour vermin or pests; (b) obstruct sightlines for vehicles or pedestrians; (c) create a fire risk; (d) accumulate stagnant water; (e) contain poisonous plants accessible to the public; or (f) involve unstable or dangerous structures.

“Prohibited Plants” means any prohibited plant listed in Schedule “B” of this By-law.

“Vegetative Growth” means any plant material growing on a property, whether intentionally planted or naturally occurring, including but not limited to turfgrass, grasses, wildflowers, herbaceous plants, perennials, shrubs, and woody vegetation, but does not include trees regulated under any other municipal by-law.

2. **That** By-law 92-2019, as amended, be further amended by repealing the definition of Perimeter Strip and replacing it as follows:

“Perimeter Strip” means a maintained strip of vegetative growth located along a lot line within the front yard of a property, extending inward from and parallel to the property boundary where the lot line abuts another property.

3. That By-law 92-2019, as amended, be further amended by repealing Section 6.1 and replacing it as follows:

“6.1 Every Owner shall maintain all vegetative growth, which for purpose of this section includes naturalized gardens, turf grass, on a lot of their property according to the following requirements:

- (a) Vegetative growth shall not obstruct sidewalks, streets, walkways or municipal property
- (b) Pollinator gardens shall be set back 1 meter from any lot line located in front yard of the property;
- (c) Vegetative growth shall not conceal or interfere with the use of any fire hydrant or water valves, or other municipal infrastructure;
- (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 property, including the grassy boulevard portion of any highway or part thereof, in front of, alongside, or at the rear of, any building or land; and
- (f) Vegetative growth shall not contravene any other conditions respecting Health or Safety Hazards or other conditions as the Director of Planning, Building and By-law Services considers advisable.”

4. That By-law 92-2019, as amended, be further amended by repealing Section 6.2 and replacing it as follows:

“6.2 Every owner shall ensure that Naturalized Gardens are maintained so as to prevent the creation of Health or Safety Hazard.

- (a) Where a Naturalized Garden creates or contributes to a Health or Safety Hazard, the Owner shall take such measures as are necessary to eliminate the hazard, which may include trimming, removal of excessive or dead vegetation, or other appropriate maintenance, but shall not require the removal of the Naturalized Garden except where no other reasonable means exist to address the hazard.”

5. That By-law 92-2019, as amended, be further amended by repealing section 6.3 and replacing it as follows:

“6.3 Every Owner shall ensure that where vegetative growth exceeds 15 cm in height (6 inches), the following requirements shall apply:

- (a) For properties that are 1 hectare (2.47 acres) or less in size, a maintained Buffer Strip with a minimum width of 1.0 meter shall be provided along any lot line located in the front yard of the property, measured from the property boundary inward. The Buffer Strip shall:
 - (i) be maintained by cutting or other means, and where consisting of turf grass, shall be cut whenever the growth exceeds 15 cm (6 inches) in height;

- (ii) be kept in a condition that prevents encroachment onto adjacent lands, including the grassy boulevard portion of any highway or part thereof, in front of, alongside, or at the rear of, any building or land;
- (iii) maintain visibility and sightlines for pedestrians and motorists;
- (iv) be free of prohibited plants, including noxious weeds as defined by applicable provincial legislation, and excessive accumulation of dead plant material;
- (v) consist of one or more of the following:
 - a. mown vegetative growth;
 - b. mulched or cultivated planting beds;
 - c. low growing ground covers; or
 - d. defined pathways or borders; and
- (vi) not contravene any other conditions respecting health and safety hazards as the Director of Planning, Building and Bylaw Services considers advisable.

(b) For properties that are greater than 1 hectare (2.47) acres in size, a maintained Perimeter Strip shall be provided along all lot lines. The Perimeter Strip shall:

- (i) have a minimum width of 10 meters (32) feet), measured inward from the lot line;
- (ii) be maintained by cutting or other means, and where consisting of turf grass, shall be cut whenever the growth exceeds 15 cm (6 inches) in height;
- (iii) be kept in a condition that prevents encroachment onto adjacent lands or municipal property, including the grassy boulevard portion of any highway or part thereof, in front of, alongside, or at the rear of any building or land;
- (iv) maintain visibility and sightlines for pedestrians and motorists;
- (v) be free of prohibited plants, including noxious weeds as defined by applicable provincial legislation, and excessive accumulation of dead plant material; and
- (vi) not contravene any other conditions respecting health or safety hazards as the Director of Planning, Building and Bylaw Services considers advisable.”

6. That By-law 92-2019, as amended, be further amended by including the following clause in Schedule “B”:

“The owners or occupants of private properties must keep their land free of the following prohibited plants. These plants are prohibited on private land as they threaten the environment and/or human health and safety.”

7. That all other provisions of By-law 92-2019, as amended, shall remain in full force and effect.

8. **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 27th day of April 2026.

Mayor

Clerk