

Draft recommendations for information materials about the Yard and Lot Maintenance By-law PW-9 By-law and the Council Policy on Naturalized Areas and Wildflower Meadows

Prepared by the Environmental Stewardship and Action Community Advisory Committee
November 1, 2023

Background:

On August 29, 2023, London City Council passed the following motion:

That the Civic Administration BE DIRECTED to prepare information materials to assist Municipal Law Enforcement Officers to explain the Council Policy on Naturalized Areas and Wildflower Meadows in response to community complaints and complainants, and with respect to the Yard and Lot Maintenance By-law where applicable;

it being noted that a verbal delegation from B. Samuels, a communication from L. Johnson and the staff report dated August 15, 2023, with respect to this matter, were received.

To support work by Civic Administration at the direction of Council, this document includes three sections outlining recommendations for information materials:

1. Proposed changes to the existing webpage for the PW-9 By-law with info for property owners, recipients of By-law orders as well as complainants;
2. Proposed content for a new webpage about neighbourhood greening, providing information to support public awareness and compliance with the Council Policy on Naturalized Areas and Wildflower Meadows;
3. Proposed content for a print education pamphlet to be provided to recipients of PW-9 By-law orders where directions involve making changes to vegetation and the Naturalized Areas and Wildflower Meadows policy may apply;

It is recommended the City consider incorporating a definition for “weeds” and reference to a list of specific prohibited plants in the next scheduled “housekeeping” update to the PW-9 By-law to ensure consistency between the information materials and enforcement.

This plant list should be developed in consultation with the City ecologist and Indigenous peoples to account for plants that may hold traditional significance.

e.g., in the City of Toronto, the following species are prohibited [under By-law](#):

Canada thistle (*Cirsium arvense*); Common buckthorn; Glossy buckthorn (*Rhamnus cathartica*); Frangula alnus), Dog-strangling vine (*Cynanchum rossicum*; *Cynanchum louiseae*); Garlic mustard (*Alliaria petiolata*); Giant hogweed (*Heracleum mantegazzianum*); Japanese knotweed (*Reynoutria japonica* var. *japonica*); Phragmites (*Phragmites australis* subsp. *australis*); Poison ivy (*Toxicodendron radicans*); Purple loosestrife (*Lythrum salicaria*); Ragweed (*Ambrosia artemisiifolia*).

It is also recommended that references in the PW-9 By-law to the 20 cm / 8 inch height limit for “grass” should be amended to specify “turfgrass” and include a definition.

1. Changes to existing webpage:

<https://london.ca/yard-lot-maintenance-law>

Based on the [City of Toronto Turfgrass and Prohibited Plants By-law webpage](#)

Why are changes recommended? *The current webpage provides insufficient information about how the PW-9 By-law is enforced and does not refer to the Council Policy on Naturalized Areas and Wildflower Meadows. This webpage is where recipients of By-law orders may access information about what is expected of them to achieve compliance.*

New webpage content:

The City of London PW-9 By-law requires all property owners or occupants to maintain their properties and ensure that health and safety requirements are met. The By-law is in place to make sure that refuse is not being hoarded, dumped or poorly contained on properties.

The By-law is primarily enforced through community complaints; however there are certain areas in the City which are enforced proactively on a regular basis due to a history and high volume of complaints.

The By-law also includes requirements for maintaining vegetation conditions. Learn about the do's and don'ts for your lawn and how to grow pollinator-friendly gardens:

- Cut turfgrass on your lawn when the growth exceeds 20 centimetres. Note that this requirement does not apply to other grass species that are not turfgrass.
- Keep your property free of prohibited noxious weed species that can pose a risk to human health or natural areas. These are referenced in the By-law.
- Do not obstruct sidewalks or roadways, or restrict driver, cyclist and pedestrian sight lines, and visibility of traffic control devices.
- Consider replacing some of your turfgrass area with native flowering plants to create much needed habitat for pollinators.

*Insert hyperlink: [Learn more about naturalized landscaping and pollinator gardens](#)
[links to new page outlined in section 2]*

Information for Complainants

Before filing a complaint about a yard, consider speaking to its owner. Explain your concerns and find out about the property owner's plans for their landscaping. Vegetation that appears untidy may be intentional for naturalization.

It is important to understand the scope of the By-law, and what information you will need to provide when submitting a complaint. The City of London PW-9 By-law includes numerous aspects of yard and lot maintenance, including conditions of vegetation. The objective of the By-law is to limit risks to human health and safety and to the surrounding environment associated with vegetation.

However, the By-law does not require landscaping to comply with aesthetic standards. For example, property owners are encouraged to create naturalized areas, meadows and gardens where native plants and grasses are permitted to grow taller than typical turfgrass lawns. Organic material like fallen leaves, plant stems and brush are permitted to be left to decompose in place, provided there are no impacts to boulevards or adjacent properties. The specific weeds prohibited by the By-law are species listed under the By-law.

When submitting a complaint about overgrown vegetation, please be prepared to describe the issues caused by specific plants or property areas. The rules are summarized below.

Rules Around Turfgrass and Gardens

Turfgrass & Prohibited Plants (collapsible section)

Owners or occupants of private properties are required to cut the turfgrass on their lawn whenever the growth exceeds 20 centimetres in height. Turfgrass includes various perennial grasses grown for lawns. These are grasses typical of traditional lawn that forms a dense, uniform turf if mown.

The Yard and Lot Maintenance By-law includes a process for naturalized area exemptions under the Council Policy on Naturalized Areas and Wildflower Meadows. All properties are required to maintain their lawns and gardens with a focus on health and safety requirements, such as managing the height of turfgrass, keeping properties free of prohibited plants listed in the By-law, and ensuring that sight lines are not obstructed.

What To Do If The Rules Are Not Followed (collapsible section)

Residents can contact Municipal Compliance to report a property that is not following these By-law requirements. Complainants are encouraged to clearly identify their concern when contacting the City and submit photo evidence or other information whenever possible, to support the City's investigations.

If a property does not meet City standards, the City may send an advisory letter to the property owner notifying them to comply with By-law requirements. Property owners will be asked to comply with the By-law within 2 weeks or else a fine may be issued.

A By-law Enforcement Officer will follow up within 2 weeks to take appropriate action to achieve compliance with the By-law. If property owners do not comply with requirements indicated in the By-law order, the City can carry out maintenance work to ensure compliance and the cost of that work may be added to the property tax bill.

Fines for By-law Violation (collapsible section)

Residents can contact Municipal Compliance to submit a complaint about a By-law violation. If there is a complaint or information about a possible violation, By-law Enforcement Officers investigate, educate and/or take enforcement actions.

The goal is to resolve issues and ensure that property owners and occupants are following the By-law. Each issue is addressed on a case-by-case basis to make sure reasonable, fair and appropriate actions are taken. For example, in some cases the issue may be resolved through education. In other cases, further enforcement action is required.

If a property owner does not comply with the Yard and Lot Maintenance By-law, they are guilty of an offence. At the discretion of the By-law Enforcement Officer, they may be issued a ticket and be required to pay a fine for the offence outlined in the table below. The City can also carry out maintenance work to ensure compliance and the cost of the work may be added to the property tax bill if property owners do not comply.

The following table may need to be adjusted to more accurately reflect fines issued under PW-9.

Offence	By-law Provision	Fine
Fail to cut turfgrass when height/length exceeds 20 centimetres		– \$X
Fail to keep land free of prohibited weed		– \$X
Fail to maintain vegetative growth to not obstruct sidewalks or roadways		– \$X
Fail to maintain vegetative growth to not restrict driver and pedestrian sight lines		– \$X
Fail to comply with an order/notice of violation/direction		– \$X

2. Create new webpage

<https://london.ca/neighbourhood-greening> (or choose something comparable)

Loosely based on this page from Kitchener Waterloo. This could also include new information related to the Strategic Plan 1.7 c) Develop and implement a policy for the planting of perennial native species for roadsides, boulevards, and medians

<https://www.lovelyhood.ca/en/cool-ideas/boulevard-beautification.aspx>

Why is a new webpage recommended? *The City's website does not offer any information about naturalization or the Council Policy on Naturalized Areas and Wildflower Meadows. This webpage is where recipients of By-law orders and the public may access information about how to naturalize their yard without creating issues for By-law enforcement.*

New webpage content:

Growing Pollinator Friendly Gardens

London is home to a wide range of pollinators, including hundreds of species of bees and butterflies. They provide important ecosystem services such as pollination, which allows plants to produce seeds, fruits and new plants. They are also an important source of food for birds and contribute to the biodiversity in our city.

Habitat loss is the greatest threat to pollinators. That's why the easiest and most effective way to help native pollinators is to create a pollinator garden with native plants. Native plants provide pollen and nectar which pollinators need to feed themselves and their larvae, as well as places to nest and overwinter.

An ideal pollinator garden will include the following:

- food sources – such as pollen and nectar from native flowering plants
- nesting and overwintering sites – such as hollow stems, dead wood, fallen leaves and access to bare sandy soil
- larval host plants – such as milkweed

Consider replacing some of your turf grass area with native flowering plants. A perfectly manicured lawn is a food desert for pollinators. Natural gardens and lawns offer the most benefits for pollinators in terms of food and nesting spots.

Here are [some tips to help you create a pollinator garden](#), including lists of native flowers, trees and shrubs. The plants you choose and how you maintain your garden are important considerations.

When creating a layout for your plantings, be mindful of some requirements that are in place to ensure safety and accessibility around boulevards:

- Any plants growing in a 0.9 meter buffer strip along the boulevard or sidewalk must not extend over the property boundary, including in winter. Taller plants may not pose a risk of damaging street equipment, and should not obstruct the opening and closing of vehicle doors, if street parking is permitted.
- Site lines along right-of-ways including boulevards, sidewalks and adjacent driveways must remain unobstructed by plants growing in the 0.9 meter buffer strip. When selecting species to grow in a buffer strip, compare the maximum height of vegetation to the eye-level of passing drivers and pedestrians (i.e., 4 feet from the ground). Many native plants can grow in buffer strips that remain short in height.
- Keep in mind the underground and aboveground utilities that might be present on your property and the clearance required. These could include:
 - Telecom service wires underground
 - Hydro poles, light standards and pole support wires
 - Gas vent pipes
 - Fire hydrants, which must have a 1.5 meter clearance
 - Hydro pull box vault, which could be just below the topsoil, and telecom pull box vault

Before beginning a project involving digging, we require that you contact [Ontario One Call](#) to find out where underground servicing might be located. Your design must not obstruct access to any utilities.

[Note: this might be a good place to clarify the area of residential lots that are maintained/owned by the City, e.g., where street trees are planted]

3. Content for printed information pamphlet to accompany By-law orders

Panel 1 (front - page 1, right side)

Naturalized yards: What you need to know

Information about the Yard and Lot Maintenance By-law

Prepared by the City of London Environmental Stewardship and Action Community Advisory Committee

Panel 2 (page 2, left side)

What is naturalization?

Naturalization is the process of reducing the amount of cultivated turfgrass in a yard and adding spaces that better represent landscapes occurring naturally in the region. When designed with care, naturalized yards can be attractive, functional and easy to maintain.

Benefits of naturalized yards include:

- Less maintenance
- Shade that cools buildings on hot days
- Water infiltrates into the ground, reducing flooding
- Greater biodiversity, feeding birds and wildlife
- Many native plants and their fruits are edible

Why does this matter?

- People who own land in London share space with nature and other living things
- London's Natural Heritage Systems include biodiversity on private land
- Naturalized landscaping is better for soil health and growing trees
- Less yard maintenance helps to conserve water and reducing greenhouse gas emissions
- Green infrastructure supports human health and safety from the effects of climate change
- Recognizing plants as relatives and medicine supports reconciliation with Indigenous peoples.

Panel 3 (page 2, middle)

Municipal By-laws and Naturalization

Municipal by-laws in London that apply to vegetation include the Yard and Lot Maintenance By-law PH-9 and the Property Standards By-law CP-24. If you wish to naturalize your yard, please be aware of maintenance requirements.

The scope of by-law enforcement is intended to limit risks of negative impacts to human health and safety, and to maintain standards for yards in neighbourhoods.

By-laws require the following conditions must be met:

- turfgrass (lawn grass) must be kept below 8 inches in height;
- noxious weed species prohibited by the Weed Control Act of Ontario must be cleared;
- any vegetation growing within a buffer strip of 0.9 meters inside the property boundary must not block lines of sight along boulevards or pose conflicts to adjacent properties;
- accumulation of grass clippings, tree cuttings, brush, leaves and garden refuse must not pose conflicts to adjacent properties;

Panel 4 (page 2, right)

How to avoid complaints about naturalizing

By-laws that apply to yards are enforced through a complaint-driven process. If a complaint results in enforcement action, you will receive an order with instructions on how to comply. For any questions, please contact the Municipal Law Enforcement Officer listed on the order.

Ways to reduce the risk of receiving complaints include:

- Talk to your neighbours about your plans
- Prevent plants from blocking sight lines or spilling over the property boundary
- Install an information sign near the boulevard
- Prune large or crowded vegetation in spring (beneficial for many species)
- Install a border or fence around the yard
- Create a landscape plan and plant in clusters
- Apply mulch around your plantings
- Clear a walking path through or around the vegetation

Panel 5 (page 1, left)

Exemptions to the Yard and Lot Maintenance By-law

- A **naturalized area** is a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of species or other species to emulate a natural area.
- A **wildflower meadow** is a specialized habitat within a naturalized area, which is dominated by native species of flowers and grasses

The Yard and Lot Maintenance By-law *does not apply* to a wildflower meadow or a naturalized area provided that the following criteria are met:

- There are no noxious weed species prohibited by the Weed Control Act
- There is no waste. The definition of waste is provided in Part 1 of the By-law.

- Vegetation within the buffer strip does not create obstructions for boulevards or adjacent properties

Panel 6 (page 1, middle)

Frequently Asked Questions

Q: I received a by-law order for a naturalized yard. What should I do?

A: In general, follow the instructions given on the order. It may ask you to clear vegetation from part of the property. If your yard meets criteria for a naturalized area or wildflower meadow, contact the Municipal Law Enforcement Officer to request an exemption to the By-law.

Q: Where can I acquire plants for naturalization?

A: Check out plant sales and seed exchanges organized by environmental groups in London. Many local greenhouses and stores sell native plants. Online classified advertisement services and marketplaces may offer plants. Do not remove plants or seeds from Environmentally Significant Areas.

Q: Will naturalization create pest issues?

A: The risks of attracting unwanted pests are simple to control:

- Remove standing water to limit mosquitos
- Do not leave out spilled food that attracts rodents, such as birdseed
- Install an owl box to encourage natural rodent population control
- Check the exterior of buildings and seal points of entry for rodents
- Create a border with mulch around natural areas to limit transfer of ticks
- Keep a cleared path for humans to walk without entering tall grass

Q: Will naturalization affect my property's value?

A: Naturalization does not mean neglect! You can increase your property's value by allowing native plants and trees to establish, improving protection from extreme weather and lowering your energy bill. Vegetation conditions can be changed later.

Q: Where can I find more information?

thamesriver.on.ca/watershed-health/native-species/native-gardens

london.ca/yard-lot-maintenance-law

<https://london.ca/neighbourhood-greening> (see Part 2 of this document)