

July 10, 2024

DRAFT MOTION FOR CONSIDERATION AT JULY 10, 2024 ESACAC MEETING:

1. That Civic Administration be requested to include this report as an attachment to the Civic Works Committee meeting agenda on July 16, 2024;

2. That the Environmental Stewardship and Action Community Advisory Committee held a discussion with respect to the August 29, 2023 direction of Council (Item 13 5.1 as amended) for Civic Administration “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”;

3. That the Environmental Stewardship and Action Community Advisory Committee recommends that Civic Administration “prepare information materials for print and online to assist Municipal Law Enforcement Officers to explain the Yard and Lot Maintenance By-law PW-15 in response to community complaints and complainants and to promote public education and awareness”.

Background

On August 29, 2023, Council approved the 12th report from the Civic Works Committee and amended the following motion: “*That the Civic Administration BE DIRECTED to prepare an information brochure to assist Municipal Law Enforcement Officers to explain the Council Policy on Naturalized Areas and Wildflower Meadows in response to community complaints and with respect to the Yard and Lot Maintenance By-law where applicable;*”

Following this direction of Council, ESACAC prepared and submitted detailed recommendations for the creation of information materials for online and print to support by-law enforcement and public understanding of naturalization on private land, as this relates to the advisory committee’s mandate.

On January 23, 2024, Council approved the 2nd report of the Civic Works Committee including the following motion: “*3.1 That the following actions be taken with respect to the 1st and 2nd Reports of the Environmental Stewardship and Action Community Advisory Committee (ESACAC), from the meetings held on December 6, 2023 and January 3, 2024, respectively: a) with respect to the 1st Report of the ESACAC: i) the ESACAC recommendations, as appended to the ESACAC Added Agenda, relating to the Yard and Lot Maintenance By-law BE FORWARDED to the Civic Administration for consideration; and, ii) clauses 1.1, 2.1, 3.1 to 3.3, 5.1 and 5.2, BE RECEIVED;*”

On March 5, 2024, Council approved the 4th report of the Community and Protective Services Committee including housekeeping amendments to the Yard and Lot Maintenance By-law. The amendments included substantial changes to the by-law with respect to naturalized landscaping, and removed the previous Council Policy on Naturalized Areas and Wildflower Meadows.

On June 4, 2024 meeting, Council voted to reject a recommendation from the Civic Works Committee with respect to the report on Gasoline Powered Lawn and Garden Equipment, including:

“c) Civic Administration BE DIRECTED to design and implement an awareness campaign for households and lawn care service providers that focuses on better lawn and garden practices to help the environment and take climate action for implementation in February to April 2025.”

The report presented by staff to Civic Works Committee included the following key activity:

“August 2024 to February 2025 – Design an awareness campaign that focuses on better lawn and garden practices to help the environment and take climate action for launch in early 2025. Target audience is households and lawn care companies in London. This campaign will include more than fossil fuel lawn care equipment, such as landscaping for climate resilience, improving soil carbon sequestration in landscaping, and supporting biodiversity.”

The ESACAC Chair subsequently contacted the Civic Administration to clarify about possible overlap between the proposed awareness campaign that was rejected by Council, and the production of information materials previously directed by Council. Then, on June 20, 2024, staff responded to the inquiry as follows: *“This letter was directed through the administration. There is no conflict in Council directions. The comprehensive education and awareness program was not supported, however that did not impact the previous Council direction which was specific to Municipal Law Enforcement Officers. The following comment is from the Manager, Community Compliance and Animal Services in response to the letter:*

With respect to the information piece that MLEOs provide, this was a pamphlet brochure that previously was provided for information on yard and lot maintenance bylaw regulations (high level overview of the most common concerns essentially). In an effort to minimize hard copy documents and move to a more paperless environment, we will not be moving forward with these pamphlets any longer. In the PW-15 work order issued to a property owner, there is mention of the city website where one can find all the information related to the bylaw. There is also the option for someone to contact the city to request a hard copy of the bylaw for reference purposes.”

The PW-15 work orders refer the public to the City of London website: london.ca/yard-lot-maintenance-law. This page was last modified on Monday, September 14, 2020. As of July 2, 2024, the website says: *“Some common violations we see include: grass and weeds over 20 centimeters (8 inches) in height”*

However, the by-law itself has been updated and no longer includes the terms “grass and weeds”, having replaced them with definitions for turfgrass lawn and a list of specific prohibited plants (see Appendix A).

ESACAC has been made aware of recent interactions between community members maintaining naturalized gardens and municipal law enforcement officers. These reports (not linked to any ongoing dispute) suggest that MLEOs are following variable, subjective enforcement procedures that do not consistently align with the updated by-law, including failures to identify specific prohibited plants (instead of all “weeds”), the change from a height restriction on all grasses to the specific definition for turfgrass lawn, and the scope of enforcement being limited to matters of health, safety or nuisance, but not aesthetics. The list of prohibited plants referenced in the by-law is not available online and could not be produced by MLEOs when asked.

ESACAC therefore recommends that the City proceed as soon as possible with updating its website with language to reflect the updated by-law PW-15 as well as producing print and online information materials, as previously directed by Council, to support MLEOs carrying out enforcement and to improve understanding of the by-law among recipients of complaints as well as complainants.

APPENDIX A - Excerpts from the Yard and Lot Maintenance By-law PW-15

Available at: london.ca/yard-lot-maintenance-law

Definitions

“Lawn” means perennial turfgrass grown for ground cover, of a type that forms a dense, uniform turf when mown, including but not limited to Kentucky bluegrass, perennial ryegrass, or fine fescue.

“Vegetative Growth” means a plant garden and includes, without limiting the generality of the foregoing, an annual or perennial flower garden, food garden, rain garden, hedge, shrub, plant, vine, and groundcover, but does not include trees or Lawn.

“Refuse” means garbage, waste, or rubbish of any kind, including but not limited to;

(b) tree cuttings, limbs, and brush;

Part 2 - General Provisions

2.2 Removal of Refuse, Prohibited Plants, and Graffiti

1. An Owner shall remove any Refuse from their Land so that it is left in a clean and clear condition.
2. An Owner shall ensure their Land is kept clean, clear, and free from objects or conditions, that may create a public health or safety hazard, or a nuisance.
3. An Owner shall ensure their Land is kept free and clear of any Prohibited Plants.

2.3 Vegetative Growth & Lawn

1. An Owner shall ensure Lawn on their Land does not exceed 20cm (8 inches) in height or length.
2. An Owner shall ensure Vegetative Growth on their Land does not exceed 0.9m (3 feet) in height within any Corner Visibility Triangle or Driveway Visibility Triangle.
3. An Owner shall ensure that Vegetative Growth or Lawn on their Land do not create a public health or safety hazard, or a nuisance.

Part 3 - Prohibitions

3.1 Refuse Deposited on Land - prohibited

No person shall throw, place, or deposit Refuse on any Land without lawful authority

3.2 Refuse not cleared from Land – prohibited

No Owner shall fail to clear their Land of refuse.

3.3 Vegetative Growth and Lawn – fail to maintain - prohibited

No Owner shall fail to maintain Vegetative Growth or Lawn on their Land in accordance with the provisions of this by-law.

3.4 Prohibited Plants – removal

No Owner shall fail to remove Prohibited Plants identified as part of this by-law from their Land.