



City of Kingston
Environment, Infrastructure & Transportation Policies Committee
Agenda

07-2024

Tuesday, June 11, 2024

6:00 p.m.

Council Chamber

Committee Composition

Councillor Cinanni; Chair

Councillor Amos

Councillor Chaves

Councillor Hassan

Councillor Stephen

Councillor Tozzo

Please provide regrets to Allison Hannah, Committee Clerk at 613-546-4291, extension 1209 or ahannah1@cityofkingston.ca.

Watch live on the [Kingston City Council YouTube](#) channel or register to receive the [Zoom](#) link.

Pages

1. **Call to Order**
2. **Approval of the Agenda**
3. **Confirmation of Minutes**

That the minutes of Environment, Infrastructure and Transportation Policies Committee Meeting Number 04-2024, held Tuesday, April 9, 2024, be approved.

That the minutes of Special Environment, Infrastructure and Transportation Policies Committee Meeting Number 05-2024, held Tuesday, April 24, 2024, be approved.

4. **Disclosure of Pecuniary Interest**
5. **Delegations**

1. **Patricia Collins**

Patricia Collins will be present to speak to the Committee regarding the School Street Pilot Studies at Winston and Central Public Schools.

6. Briefings

7. Business

1. Yards By-Law Update

3

The Report from the Commissioner, Growth & Development Services (EITP-24-007) is attached.

Recommendation:

That the Environment, Infrastructure & Transportation Policies Committee recommend to Council:

That City of Kingston By-Law Number 2007-136, being “A By-Law to Provide for Maintaining Land in a Clean and Clear Condition”, as amended, be further amended as per Exhibit A to Report Number EITP-24-007; and

That City of Kingston By-Law Number 2005-100, being “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property Within the City of Kingston”, as amended, be further amended as per Exhibit B to Report Number EITP-24-007; and

That City of Kingston By-Law Number 2020-69, being “A By-Law to Establish a Process for Administrative Monetary Penalties”, as amended, be further amended as per Exhibit C to Report Number EITP-24-007; and

That Council authorize the Director, Licensing and Enforcement Services, or their designate, to place amending by-laws on the Council agenda for all three readings to amend the list of prohibited plants contained in City of Kingston By-Law Number 2007-136, “A By-Law to Provide for Maintaining Land in a Clean and Clear Condition.

8. Motions

9. Notices of Motion

10. Other Business

11. Correspondence

12. Date of Next Meeting

13. Adjournment



City of Kingston
Report to Environment, Infrastructure & Transportation Policies Committee
Report Number EITP-24-007

To: Chair and Members of the Environment, Infrastructure & Transportation Policies Committee

From: Paige Agnew, Commissioner, Growth & Development Services

Resource Staff: Kyle Compeau, Manager, Enforcement Services

Date of Meeting: June 11, 2024

Subject: Property Standards & Yards By-Law Updates

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Theme: Council requests

Goal: 2.3 Maintain the City's natural heritage and environmental assets.

Executive Summary:

The purpose of this report is to seek approval for updates to By-Law Number 2005-100, "A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property Within the City of Kingston" and By-Law Number 2007-136, "A By-Law to Provide for Maintaining Land in a Clean and Clear Condition", allowing for naturalization of lawns on private property and incorporating administrative updates to both by-laws to eliminate duplication and overlap. This report provides an overview of the public consultation process for the naturalization of lawns along with the justification for the proposed changes. This report also recommends the creation of an additional offence related to recreation vehicles and the addition of administrative monetary penalties for certain offences.

Recommendation:

That the Environment, Infrastructure & Transportation Policies Committee recommend to Council:

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That City of Kingston By-Law Number 2007-136, being “A By-Law to Provide for Maintaining Land in a Clean and Clear Condition”, as amended, be further amended as per Exhibit A to Report Number EITP-24-007; and

That City of Kingston By-Law Number 2005-100, being “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property Within the City of Kingston”, as amended, be further amended as per Exhibit B to Report Number EITP-24-007; and

That City of Kingston By-Law Number 2020-69, being “A By-Law to Establish a Process for Administrative Monetary Penalties”, as amended, be further amended as per Exhibit C to Report Number EITP-24-007; and

That Council authorize the Director, Licensing and Enforcement Services, or their designate, to place amending by-laws on the Council agenda for all three readings to amend the list of prohibited plants contained in City of Kingston By-Law Number 2007-136, “A By-Law to Provide for Maintaining Land in a Clean and Clear Condition.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

p.p. ORIGINAL SIGNED BY COMMISSIONER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Background

This report was driven by two separate motions made at Council regarding naturalized lawns and pollinator gardens:

1. December 20, 2022 Council Meeting – New Motion 1 - [Minutes](#)

Whereas as pollinator gardens are important to our food system; and

Whereas food systems and ecology are tied together and can be demonstrated in pollinator gardens; and

Whereas some municipalities allow the implementation of pollinator gardens on private properties through clear guidelines such as the North American Butterfly Association (NABA) Program; and

Whereas the City of Kingston has declared a climate emergency;

Therefore Be It Resolved That Council direct staff to amend the By-Law 2007-136, A By-Law To Provide For Maintaining Land In A Clean And Clear Condition and By-Law 2005-100, A By-Law For Prescribing Standards For The Maintenance And Occupancy Of Property, to specifically allow the implementation of pollinator gardens on private properties; and

That Council direct staff to develop and roll out a public education campaign prior to Spring 2023.

- February 7, 2023 Council Meeting – New Motion 1 – [Minutes](#)

Whereas insects, especially bees, serve a significant role as pollinators of plants, including agricultural plants; and

Whereas the pollinator bee population is in decline; and

Whereas the ideal pollinator-friendly habitat is one comprised of mostly native wildflowers, grasses, vines, shrubs, and trees, blooming in succession throughout the growing season; and

Whereas the foundational period for establishing pollinator and other insect species, and urban wildlife species that depend on them, occurs in late spring and early summer; and

Whereas Kingston’s City Council declared a climate emergency on March 5, 2019; and

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Whereas on December 20, 2022, Kingston’s City Council passed a motion permitting pollinator gardens on private properties; and

Whereas “No Mow May” is an initiative that encourages residents to limit lawn mowing practices during the month of May, to provide early season foraging resources for pollinators that emerge in the spring; and

Whereas the Kingston Frontenac Rotary Club (“KFRC”) has offered to provide lawn signage, to the first 1000 participants who contact KFRC, that wish to participate in the “No Mow May” initiative:

Therefore Be It Resolved That the City of Kingston encourage interested residents to increase pollinator-friendly habitats by promoting pollinator-friendly lawncare practices on their own properties from May 1, 2023 to May 31, 2023; and

That Council direct staff not to enforce Section 4.42.3 of By-Law Number 2005-100, A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property Within the City of Kingston, as amended, from May 1, 2023, to May 31, 2023 and the month of May during this Council term; and

That the City of Kingston use social media and other platforms to be one of the leaders to actively promote and educate the community about “No Mow May” and its benefits for generating crucial pollinator-supporting habitats; and

That Council recognize and express its appreciation to the Kingston Frontenac Rotary Club for its support during this initiative; and

That staff be directed to report back to the Environment, Infrastructure, and Transportation Policies Committee by the end of Q1 in 2024 as to which municipally owned lands the city could leave un-mowed during the month of May 2024.

Overview

In response to the Council motions, staff have undertaken a comprehensive review of By-Law Number 2007-136, being “A By-Law to Provide for Maintaining Land in a Clean and Clear Condition” (the “Yards By-Law”) and By-Law Number 2005-100, being “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property Within the City of Kingston” (the “Property Standards By-Law”). Amendments are proposed to remove subjective language in the by-laws, such as references to “unsightly weeds” and “heavy undergrowth”, that would restrict naturalized lawns and pollinator gardens. These amendments also reflect best practices as well as the outcome of recent case law on the topic of naturalized lawns.

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Public Engagement

From February 20 to March 21, 2023, the City of Kingston facilitated a survey to all residents to gather valuable insight regarding pollinator gardens and naturalized lawns. The survey was conducted online, by phone, by mail and by emailing the project lead directly. The engagement was promoted on Get Involved Kingston, social media and directly to community associations. Media coverage by Kingston-based publications raised resident awareness of the engagement opportunity. A summary of the public engagement and the specific feedback received are attached as Exhibits D - Pollinator Gardens and Naturalized Lawns Public Engagement Summary and Exhibit E - Report from 1000 Islands Master Gardeners of this report.

Analysis

Naturalized Lawns

Kingston is exploring the possibility of allowing lawn naturalization and lawn alternatives within the municipality as directed by Council. The concept of naturalized gardens has gained substantial traction in recent years, particularly on private properties. This gardening approach, which emphasizes the use of native plants and mimicking natural ecosystems, presents numerous ecological, aesthetic, and practical benefits.

Lawn alternatives and naturalized landscapes can be more sustainable and provide a greater ecological benefit to native wildlife. Consideration of these options is in support of pursuing sustainable initiatives and the City's strategic priority of becoming a green city and taking steps to address the climate change crisis. Modification of lawn control regulations to include naturalized gardens is a viable solution in the fight against climate change and biodiversity loss. Supporting residents to convert unused lawn into a naturalized lawn is a no-cost natural climate solution which can help the city achieve goals outlined in Council's Strategic Plan.

In Ontario, the legal landscape surrounding naturalized gardens has seen significant developments, reflecting broader debates about environmental caretaking and property rights. Municipalities throughout Canada have begun adopting naturalization policies or are in the process of exploring the option. This movement by municipalities to allow naturalization of lawns may stem from developing case law that suggests that municipalities should offer more flexibility in their by-laws when it comes to naturalization efforts on private property. Case law has established that municipalities do not have the power to regulate aesthetics or the application of controls on the visual appearance of properties and that the freedom of expression protected under Section 2(b) of the Canadian *Charter of Rights and Freedoms* extends to protect expressions of environmental values and beliefs reflected in naturalized gardens.

The authority to regulate lawn maintenance is granted in section 127 of the *Municipal Act*. This section provides that a municipality may "require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land." Section 128 of the *Municipal Act* grants local municipalities the ability to prohibit and regulate with respect to

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public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances. The failure to clear refuse and debris from land can be considered a public nuisance for purposes of the *Municipal Act*.

Over the past few months, staff have worked closely with the 1000 Islands Master Gardeners on action plans to deliver progressive changes to City of Kingston policies as the association has expressed an interest in the development of naturalized gardens on private property, and progressive changes on established by-laws. The 1000 Islands Master Gardeners is a group dedicated to promoting sustainable and regenerative gardening practices in the Thousand Islands region. This volunteer organization comprises horticultural experts who are passionate about gardening, education and community involvement. Members are experienced gardeners who have studied horticulture extensively and continue to upgrade their skills through technical training. Staff also worked closely with Lorraine Johnson, a well-known environmental advocate, author, and community activist based out of Toronto. Lorraine has spent over three decades researching and writing about environmental issues, particularly focusing on urban forestry, native plants and pollinators.

Staff intend to promote the existing resources and materials offered by the 1000 Islands Master Gardeners and Lorraine Johnson to educate the public on prohibited plants and naturalized gardens and will seek out additional opportunities with organizations such as the Rotary Club and the Kingston Horticultural Society/Gardening Kingston to increase public awareness. This work is anticipated to begin in the fall of 2024.

A jurisdictional scan was undertaken of municipalities that have recently updated their yards-related by-laws (Exhibit F- Municipal Comparison for Naturalized Gardens), with the following trends noted:

- “Turfgrass” is generally defined, and its length continues to be regulated;
- Controls continue to be in place regarding any obstruction of sidewalks or roadways caused by vegetative growth, as well as the maintenance of sightlines; and
- Specific local weeds are prohibited, in addition to the weeds already designated under the provincial *Weed Control Act*.

Results of the consultation indicated that residents were generally in favour of adopting permissions in the City’s by-laws to support naturalization. Considering these results, staff recommend that Council adopt the proposed changes to the Yards and Property Standards By-Laws to allow naturalization of lawns as outlined in the proposed by-laws attached to this report.

In line with other municipalities, staff are proposing a list of local prohibited plants, which would not be permitted on private property. The following list of prohibited plants is proposed in the amending by-laws: common buckthorn, glossy buckthorn, dog-strangling vine, and Japanese knotweed.

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While many municipalities also prohibit garlic mustard and purple loosestrife, some residents reported that these weeds should not be included in the prohibited plants list due to the difficulty and number of resources required to manage these species. These species have been removed from the list of prohibited plants given their widespread distribution, high costs related to eradication, and undue financial hardship that this may impose upon property owners with infestations. Education programs around management of these species may be considered as an alternative to regulation if desired by Council.

Outdoor Storage and Parking of Recreation Vehicles, Watercraft and Trailers

By-Law Enforcement receives a significant number of complaints regarding the storage and parking of recreation vehicles, watercraft and trailers on private property. Currently, the regulations for the parking and storage of these vehicles are contained in Section 7.6 of the City.

Given that there are no Administrative Monetary Penalties (AMPs) or set fines available for offences under the Zoning By-Law, any enforcement of contraventions of the vehicle parking and storage regulations in the Zoning By-Law must be undertaken by Part III Summons under the *Provincial Offences Act*, which requires the defendant to appear before the court to address the charge in lieu of simply paying an AMP or fine.

It is recommended that contraventions of this nature be integrated into the Yards By-Law, which will allow for the use of AMPs for these offences, rather than protracted legal proceedings through the Provincial Offences Court.

Inoperative Motor Vehicles

Under the current Yards By-Law, an “inoperative motor vehicle” is defined as “a vehicle which is missing parts, including tires or which has a damaged or missing windshield or window or deteriorated or removed metal adjunctions, which prevent its mechanical function, and shall include unlicensed motor vehicles or motor vehicles without currently validated license plates issued for the vehicle by the Ministry of Transportation of Ontario.” Further, an “inoperative motor vehicle” is included in the definition of “refuse” under the Yards By-Law and is dealt with under section 4.4, which states that “every owner, lessee or occupant shall keep their land free and clear of all refuse of any kind”.

As currently drafted, these definitions do not distinguish between traditional “refuse” (litter, rubbish, trash) and the placement of “inoperative motor vehicles” on a property – an improperly disposed of bag of garbage would receive the same penalty as multiple inoperative motor vehicles stored or parked on a property.

It is recommended that “inoperative motor vehicles” be addressed separately from “refuse” in the Yards By-Law and that AMPs be approved to allow for a penalty to be issued on a per vehicle basis.

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Climate Risk Considerations

Naturalized gardens improve community resiliency by enhancing local biodiversity, providing habitats for pollinators, and reducing the urban heat island effect. By incorporating native plants, homeowners can create habitats that attract and sustain local wildlife, including pollinators such as bees and butterflies, birds, and other beneficial insects. These gardens contribute to biodiversity, which is essential for a healthy and resilient environment. Native plants are well adapted to local climate and soil conditions, requiring fewer resources such as water and fertilizers.

Existing Policy/By-Law

[By-Law Number 2007-136 - A By-Law To Provide For Maintaining Land In A Clean And Clear Condition](#)

[By-law Number 2005-100 - A By-Law For Prescribing Standards For The Maintenance And Occupancy Of Property Within The City Of Kingston](#)

[By-Law Number 2022-62 – Kingston Zoning By-Law](#)

Financial Considerations

None

Contacts:

Kyle Compeau, Manager, Enforcement Services, 613-546-4291 extension 1343

Other City of Kingston Staff Consulted:

Jenna Morley, Counsel for the City of Kingston

Tim Park, Director of Planning Services

Julie Salter-Keane, Manager, Climate Leadership

Exhibits Attached:

Exhibit A Yards By-Law Amendment

Exhibit B Property Standards By-Law Amendment

Exhibit C Administrative Monetary Penalty By-Law Amendment

Exhibit D Pollinator Gardens and Naturalized Lawns Public Engagement Summary

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Exhibit E Report from 1000 Islands Master Gardeners

Exhibit F Municipal Comparison for Naturalized Gardens

City of Kingston By-Law Number 2024–...

***By-Law to Amend City of Kingston By-Law Number 2007–136,
A By-Law to Provide for Maintaining Land in a Clean and Clear Condition***

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On July 10, 2007, council for the *City* passed *City of Kingston By-Law Number 2007–136*, “*A By-Law to Provide for Maintaining Land in a Clean and Clear Condition*”.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2007–136*.

Therefore, *council* enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2007-136* is amended as follows:

- (a) section 1 is amended by deleting the definition of “**Director**” and replacing it with the following:

““**Director**” means the City’s Director of Licensing and Enforcement

By-Law to Amend By-Law Number 2007–136

Services, or their designate, or in the event of organizational changes, the director of the appropriately titled department;”;

- (b) section 1 is amended by deleting the definition of “**officer**” and replacing it with the following:

““**officer**” means a municipal law enforcement officer employed by the City;”;

- (c) section 1 is amended by adding the following definition of “**prohibited plant(s)**”:

““**prohibited plant(s)**” means any species of plant designated in R.R.O. 1990, Regulation 1096 under the *Weed Control Act*, R.S.O. 1990, c. W.5 and any prohibited plant listed in Schedule “A” of this By-Law;”;

- (d) section 1 is amended by adding the following definition of “**recreation vehicle**”:

““**recreation vehicle**” includes, without limitation, a boat, personal watercraft, all-terrain vehicle, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational vehicle, or a utility trailer;”;

- (e) section 1 is amended by deleting clause (4) in the definition of “refuse” related to “inoperative motor vehicles, vehicle parts and accessories” and renumbering the balance of the clause accordingly;

- (f) section 1 is amended by adding the following definition of “**turfgrass**”:

““**turfgrass**” means ground cover of various perennial grasses grown for lawns of a type that forms a dense, uniform turf if mown;”;

- (g) section 1 is amended by adding the following definition of “**Zoning By-Law**”:

““**Zoning By-Law**” means City of Kingston By-Law Number 2022-62 or the applicable zoning by-law of the City that applies to the subject property”;

- (h) subsection 3.1 is amended by deleting the words “of Building and Licensing”;

- (i) by adding the following as subsection 3.2:

By-Law to Amend By-Law Number 2007–136

“3.2 The Director is authorized to designate additional prohibited plants or to remove existing prohibited plants for purposes of Clause 4.2(b) of this by-law, as deemed reasonably necessary by the Director from time to time.”;

- (j) subsection 4.2 is deleted in its entirety and replaced with the following:
- “4.2 For the purposes of Subsection 4.1, “clean and cleared up” includes the following:
- (a) keeping the grounds, yard or vacant land clear of turfgrass that exceeds 20 centimeters (eight inches) in height;
 - (b) keeping the grounds, yard or vacant land free from any prohibited plant;
 - (c) ensuring vegetative growth on the grounds, yard or vacant land does not obstruct sidewalks or roadways;
 - (d) ensuring that vegetative growth on the grounds, yard or vacant land does not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, and walkways, or visibility to all traffic control devices;
 - (e) removing dead or damaged trees and branches on the grounds, yard or vacant land that are determined by the Director to create a health or safety concern;
 - (f) keeping the grounds, yard or vacant land free of ruts or holes that are determined by the Director to create a health or safety concern;
 - (g) keeping the grounds, yard or vacant land free from soil erosion by covering the ground with a suitable covering, such as turfgrass, gravel, asphalt, ground cover, cultivated flowers or plants; and
 - (h) keeping the grounds, yard or vacant land free of dog feces or other animal feces.”;
- (k) subsection 4.4 is amended by deleting the reference to “Subsection 4.4” and replacing it with “Subsection 4.5”;
- (l) by adding the following as subsections 4.14 and 4.15:

“Recreation Vehicles and Inoperative Motor Vehicles

4.14 Except as permitted in the Zoning By-Law, no person shall use any land for storing or parking any recreation vehicle.

4.15 Except as permitted in the Zoning By-Law, every owner, lessee or occupant shall keep their land free and clear of inoperative motor vehicles.”;

- (m) clause 5.1(1) is deleted in its entirety and replaced with the following:

“(1) to clean or clear up the grounds, yard or vacant land, to remove from the grounds, yard or vacant land any objects or conditions that might create a health, fire or accident hazard, or to remove from the land or structure, refuse and waste material of any kind;”;

- (n) subsection 5.1 is amended by adding the following clauses (5), (6) and (7):

“(5) to cease using any land or structure for storing motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition in contravention of Subsection 4.13;

(6) to cease using any land for storing or parking any recreation vehicle in contravention of Subsection 4.14; and/or

(7) to remove from the land any inoperative motor vehicle in contravention of Subsection 4.15.”;

- (o) clause 5.7(4) is amended by adding the words “clean and cleared up and” after the words “is being kept”;

- (p) subsection 5.7 is amended by adding the following clauses (5) and (6):

“(5) the land is being used for storing or parking any recreation vehicle in contravention of Subsection 4.14; and/or

(6) the land is being used for storing any inoperative motor vehicle in contravention of Subsection 4.15.”;

- (q) subsection 5.9 is amended by adding the following clauses (6) and (7):

By-Law to Amend By-Law Number 2007–136

- “(6) remove any recreation vehicle stored or parked in contravention of Subsection 4.14; and/or
- (7) remove any inoperative motor vehicle stored in contravention of Subsection 4.15.”; and
- (r) by adding Schedule “A” of this by-law as Schedule “A”.

2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”

Prohibited Plants

1. Common buckthorn; Glossy buckthorn (*Rhamnus cathartica*; *Frangula alnus*)
2. Dog-strangling vine (*Cynanchum rossicum*; *Cynanchum louiseae*)
3. Japanese knotweed (*Reynoutria japonica* var. *japonica*)
4. Any other plant determined by the Director from time to time to be a prohibited plant.

City of Kingston By-Law Number 2024–...

***By-Law to Amend City of Kingston By-Law Number 2005–100,
A By-Law for Prescribing Standards for the Maintenance and Occupancy of
Property within the City of Kingston***

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act*, 2001, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act*, 2001, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act*, 2001, s. 10 (1)).

On May 17, 2005, council for the *City* passed *City of Kingston By-Law Number 2005–100*, “*A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston*”.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2005–100*.

Therefore, *council* enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2005-100* is amended as follows:

(a) section 1 is amended by adding the following definition of “**Director**”:

““**Director** means the City’s Director of Licensing and Enforcement Services or their designate, or in the event of organizational changes, the director of the appropriately titled department;”;

By-Law to Amend By-Law Number 2005–100

- (b) subsection 3.1 is amended by deleting the words “Planning, Building and Licensing Department are” and replacing them with the words “Director is”; and
- (c) subsection 4.42 is deleted in its entirety and the balance of the subsection is renumbered accordingly.

2. Coming into Force

- 2.1 This by-law will come into force and take effect on the day it is passed.

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024–...

***By-Law to Amend City of Kingston By-Law Number 2020-69,
A By-Law to Establish a Process for Administrative Penalties***

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act*, 2001, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act*, 2001, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act*, 2001, s. 10 (1)).

On April 7, 2020, council for the *City* passed *City of Kingston By-Law Number 2020–69, “A By-Law to Establish a Process for Administrative Penalties”*.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2020–69*.

Therefore, council enacts:

1. Amendment

- 1.1 Schedule “B” of *City of Kingston By-Law Number 2020-69* is amended by adding the following to the table associated with By-Law Number 2007-136, A By-Law to Provide for Maintaining Land in a Clean and Clear Condition:

By-Law Number 2007-136, A By-Law to Provide for Maintaining Land in a Clean and Clear Condition		
By-Law	Short wording	Penalty amount

By-Law to Amend By-Law Number 2020–69

section		
4.14	Use land for storing or parking recreation vehicle	\$200
4.15	Owner/lessee/occupant – Fail to keep land free and clear of inoperative motor vehicles	\$200 per inoperative motor vehicle

2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

1st Reading date

2nd Reading date

3rd Reading date

Passed date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Pollinator Gardens and Naturalized Lawns public engagement summary

Why we engaged

City Council recently passed a motion to allow the implementation of pollinator gardens on private properties. Ahead of amendments to the Property Standards By-Law, we conducted public engagement to understand community understanding and sentiment regarding pollinator garden and naturalized lawns.

How we engaged

From Feb. 20 to March 21, 2023, the City of Kingston facilitated a survey to all its residents to gather valuable insights regarding the Pollinator Gardens and Naturalized Lawns. The survey was conducted online, by phone, by mail and by emailing the project lead directly. The engagement was promoted on Get Involved Kingston, social media and directly to community associations. Media coverage by Kingston-based publications raised resident awareness of the engagement opportunity.

Who we heard from:

Statistics from the GIK engagement summary:

- 668 engaged participants completed surveys.
- 1,932 aware participants visited the project page.
- 967 informed participants.

Next Steps:

Engagement feedback is being considered in amendments to the Property Standards By-Law. Licencing and Enforcement will bring a report to Council in [month/date] seeking approval of the updated Property Standards By-Law.

What we heard:

While most participants welcomed the idea of pollinator gardens, some concerns regarding invasive species and untidy appearances of lawns and gardens were also raised. The survey found that approximately 63.7% of respondents supported the establishment of pollinator gardens. Many respondents cited a desire to contribute to biodiversity conservation and promote sustainable gardening practices as their primary motivation for embracing pollinator-friendly gardens.

The survey also highlighted some reservations. Roughly 37.2% of respondents expressed concerns about invasive plants coming into their lawn or garden. They emphasized the potential negative impact of introducing non-native plants that could outcompete native species and disrupt local ecosystems. These individuals stressed the

importance of carefully selecting plant species and ensuring they are not invasive or harmful to the environment.

A small portion of participants voiced concerns about the untidy appearances of lawns and gardens associated with pollinator gardens. They expressed worries about the potential impact on property values and neighborhood aesthetics. These individuals emphasized the need for maintaining a balance between creating pollinator-friendly habitats and preserving the visual appeal of residential areas.

In conclusion, the garden survey revealed a generally positive response towards the implementation of pollinator gardens, with most respondents supporting the initiative. However, it also brought forward concerns related to invasive species and perceived untidiness of naturalized lawns and gardens. These findings underscore the importance of education, informed plant selection, and communication in addressing these concerns while promoting the benefits of pollinator gardens in fostering biodiversity and sustainable gardening practices.

1. Question: Which of the following options best describes your residence?

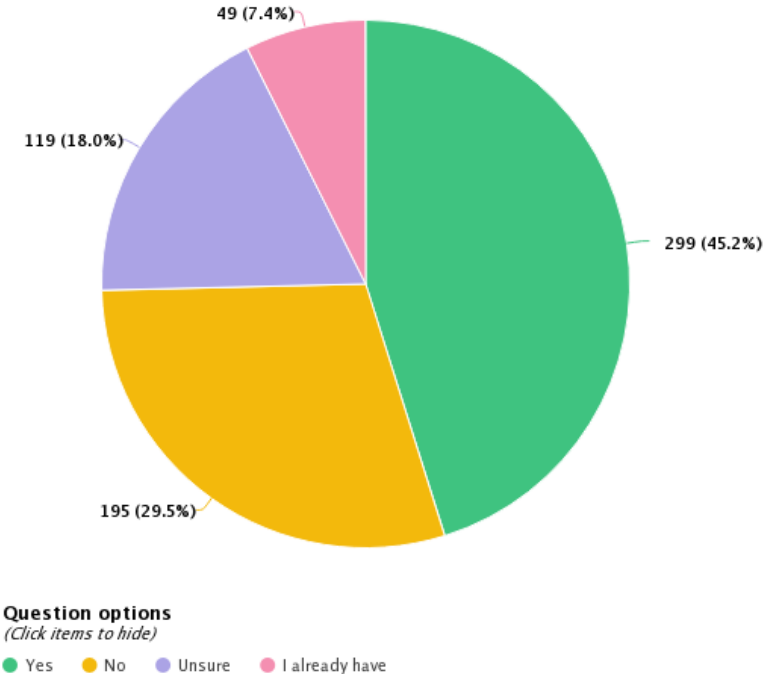
Based on the results, 76.7% of the respondents resides in a single-detached house. They are popular among families and individuals who prefer a sense of independence and privacy. 9.3% of the respondents resides in a semi-detached house.

2. Question: How do you define a naturalized garden?

It was found that 84.1% of the respondents defined naturalized gardens as one native plants, while 79.5% perceived such gardens as having an unplanned layout of plants within a planned/confined area. Moreover, 73.3% associated them specifically with the presence of scattered wildflowers. These findings highlight the prevailing beliefs among the participants regarding the key characteristics of a naturalized garden.

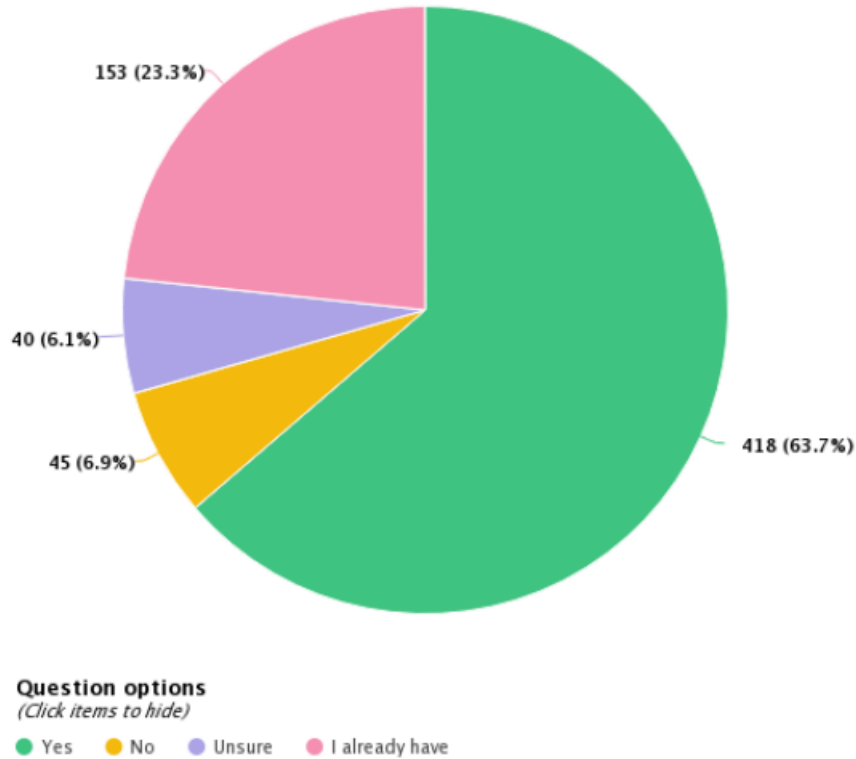
3. Question: Would you personally be interested in naturalizing all of your yard?

Surprisingly, 45.2% of the respondents expressed interested in naturalizing their yards and 7.4% already have naturalized their yards.



4. Question: Would you personally be interested in naturalizing some of your yard?

63.7% of the respondents were interested in naturalizing some of their yard and 23.3% have already naturalized their yards.



5. Question: What do you see as the biggest benefits of naturalized yards?

One of the biggest benefits of naturalized yards for the 92.9% of the respondents is supporting pollinators.

6. Question: Some concerns have been identified regarding naturalized yards; do you agree with any of the following concerns?

According to the results, it was found that 49.5% of the respondents have no concerns in naturalized yards. On the other hand, 37.72% expressed concerns about invasive plants coming into their lawn or garden and 26.7% had concerns about unkempt lawns or gardens.

7. Question: When it comes to native and non-native species of plants, how strict should we be when enforcing the update by-law?

Somewhat strict:

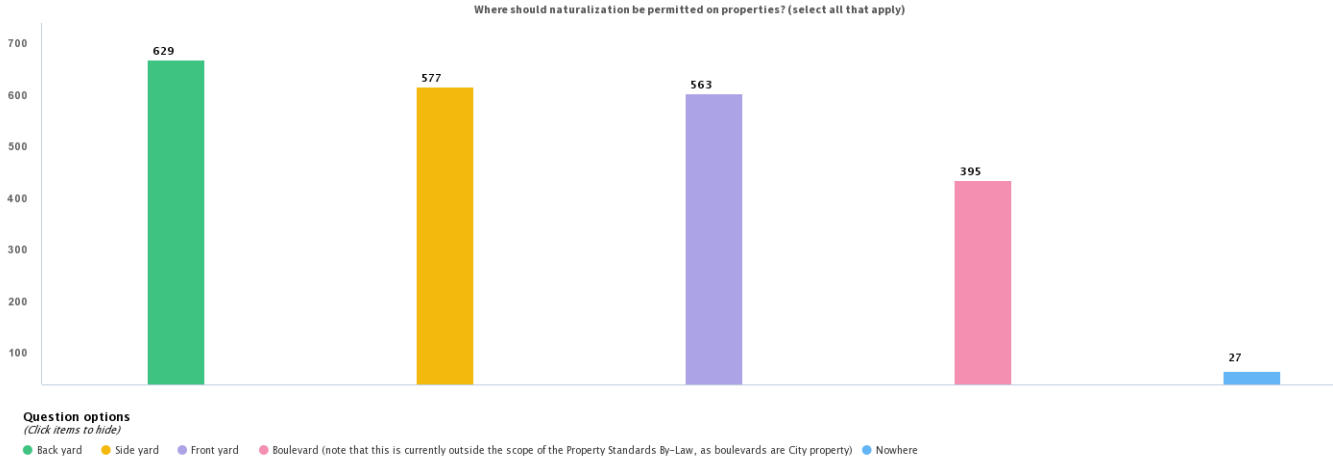
66% of the respondents believe that a balanced mix of native and non-native species should be allowed, with a select number of potentially harmful plants prohibited.

Very strict:

11% of the respondents believe that there should be a list of permitted native plants allowed in a naturalized area.

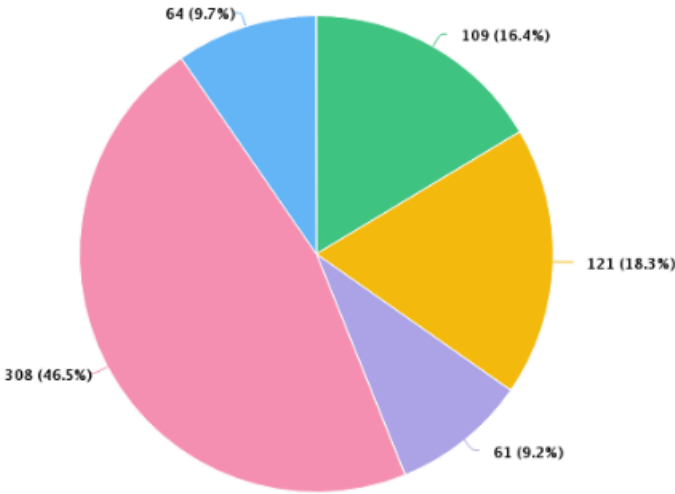
8. Question: Where should naturalization be permitted on properties?

94.6% of the respondents considered that naturalized yards should be in the back yard. While 86.8% indicate that it should be in the side yard and 84.7% preferred in the front yard.



9. Question: What width of buffer strip would be acceptable along property lines?

Almost half (45.6%) responded that a buffer strip of turf grass should not be required.



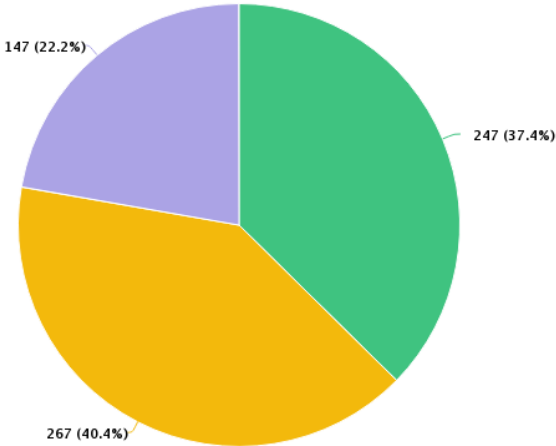
Question options
 (Click items to hide)

- Less than 1 metre, or about 3 feet
- 1 metre, or about 3 feet
- 2 metres, or about 6 feet
- No buffer strips should be required
- Other (please specify)

The balance of respondents indicated a buffer strip of turn grass should be required.

10. Question: If naturalization is permitted on properties, should there be a requirement for a “buffer strip” (grass or ground cover trimmed or cut to a specified height or less between any naturalized area and neighbouring property) to help prevent naturalized spaces from creeping into neighbouring yards?

Only one-third (37.4%) said should be a turf strip to and naturalized



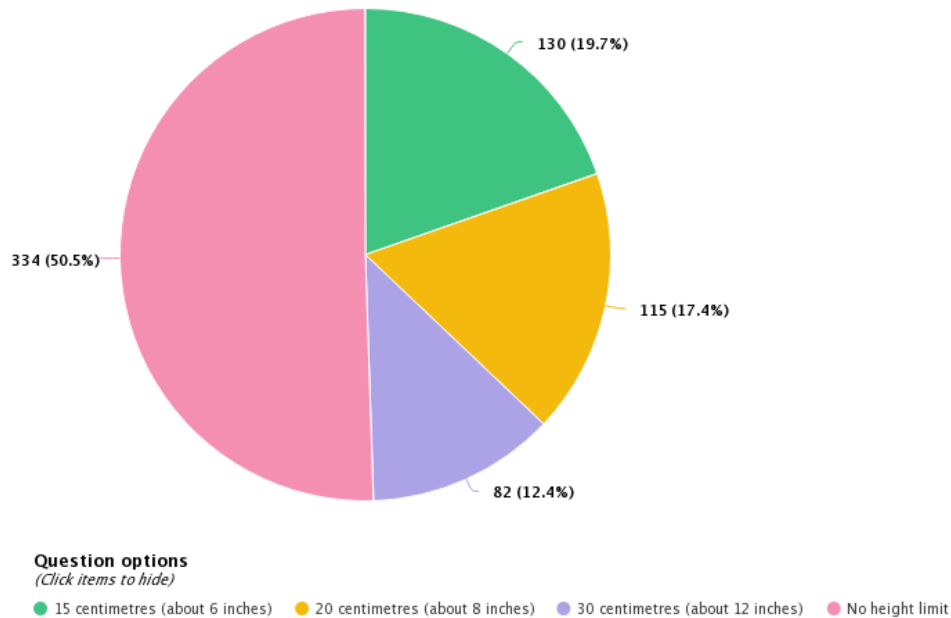
of respondents that there grass buffer separate yards gardens.

Question options
 (Click items to hide)

- Yes
- No
- Not sure

11. Question What should be the maximum allowable height of ground cover to turf grass in yards?

Half of



respondents (50%) said that there should not be a height limit of turf grass in yards. Of the balance of respondents, 19.7% said that the allowable height should be 15 centimetres (about 6 inches).

Resident comments

The City received 375 written comments in the online survey, and the following is a list of selected comments based on emerging themes identified in the summary of this engagement feedback report. Feedback that did not follow the City of Kingston's Guidelines for Participation is omitted from the feedback.

Support for naturalized lawns

I wholeheartedly support allowing naturalized yards. Have been slowly getting rid of some of our grass and looking to do more.

I'm pleased there is a growing interest in gardens in the City. I would love to see wildflowers growing in boulevards like in Europe. I would love to see old trees preserved for as long as possible, and new trees planted. Gardens in front yards as well as back are important food and pollinator contributors.

Moving toward this is a wonderful idea. I always enjoy seeing front yards that are already naturalized.

Climate change and environment

We are running out of time to combat climate change and provide habitat for species that are going extinct at an alarming rate. Pollinators are super important: they are part of nature's interconnectedness and by protecting them we are ensuring our human food supply. It is time to halt the destruction and restore what we can.

Education about native perennials and the benefits of naturalized plantings must be provided. In these times of climate emergency highlight the importance of sustainability and water-saving (and therefore cost-saving as well) of native plants.

Glad to see the city is taking climate change seriously and allowing people to encourage pollinators and less pollution from lawn mowers (air and noise).

Concerns about unkempt appearances

I am very opposed to this project. This is a city not country living. I live in the city because I want neat well kept areas not an excuse to not maintain property by calling naturalized.

I do not see any benefit in allowing any and all weeds to grow in a yard and this being called naturalization. I still prefer to have a yard with grass and garden beds, and for my neighbours to also respect this appearance.

I have seen these gardens in our neighbourhood and they are unkept. It looks like the home owner just doesn't want to cut the grass so they planted random plants & flowers. If people want a country look they can move to the country.

Concerns about invasive species

My only concern is the potential for increased tick exposure but the city could help address this through education.

This is a disaster. One of my neighbours has not cut the back yard in 2 years. God only knows what is living in there! Mice, rats ticks? Not to mention the allergy's it causes. Please don't allow more of this.

I note that section 4.42.6 of the by-law currently lists ivy and periwinkle as examples of ground cover. I just thought I'd point out that ivy (some species, like english ivy) and periwinkle are invasive in Ontario.

Re: Modernization of Kingston’s Yard Maintenance bylaw (#2007-136) and Property Standards bylaw (#2005-100)

Date: March 8, 2024

We are writing with recommendations regarding the modernization of Kingston’s Yard Maintenance bylaw and Property Standards bylaw in support of naturalization.

Definitions:

- **Naturalization:** “the process of transforming a cultivated landscape, such as a lawn, into a more natural landscape... arranged to mimic naturally occurring habitat, such as forest, wetlands or meadow.” Extension note Naturalizing your park or backyard, Ontario Ministry of Natural Resources
- **Native plant:** “a plant or animal that has evolved in a given place over a period of time sufficient to develop complex and essential relationships with the physical environment and other organisms in a given ecological community.” Douglas Tallamy and Rick Darke, in The Living Landscape
- **Biodiversity:** “Biological diversity means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.” UN Convention on Biological Diversity
- **Ecological gardening:** “Ecological gardening is gardening with the intention to enhance and preserve the ecological integrity of our plant communities and their associated ecosystems.” Mt. Cuba Center In Canada, the Society for Organic Urban Land Care (SOUL) develops guidelines, education and certification that uphold the principles of ecological gardening.

We are writing as Master Gardeners with expertise in naturalization as well as expertise in modernizing municipal bylaws in support of ecological landscaping and biodiversity. Lorraine Johnson has supported community groups across Ontario (such as Toronto, PEC, Smiths Falls, London, Brampton and more) as they work with their municipalities to modernize their bylaws, and is a frequent speaker on the topic to community groups, professional organizations and in the media. The 1000 Islands Master Gardeners have also given talks and supported residents working towards bylaws for biodiversity. We were also asked to give a half-day workshop for bylaw officers attending the annual Ontario Association of Property Standards Officer’s Annual Training Seminar. While the organizers originally asked us to train officers to identify native plants as they wanted to be able to recognize a naturalized garden (they had been receiving an increasing number of complaints related to naturalized gardens), we instead suggested training them on how to recognize yards in the process of naturalization and biodiversity trends (such as No Mow May and Leave the Leaves), how to identify a few plants that might be found in uncared for yards and the history of the Ontario Superior Court’s decisions related to the protected Charter right to a “natural garden.”

First, we would like to commend Council on the initiative to modernize the City’s bylaws in support of naturalization. support greening of the City, 2.3.2 Identify options to reduce impact of Invasive Species and Report back on the potential to work towards Nature Canada’s Bird

Friendly Certification to Intermediate Level. This effort is critically important to the goals in Kingston's Strategic Plan, in particular Strategic Goal 2: Lead Environmental Stewardship and Climate Action – Become a green city and take steps to address the climate change crisis.

- Naturalized yards help deliver on the goals of the Climate Leadership Plan as they sequester more carbon than lawns, reduce water consumption, reduce stormwater runoff, eliminate the use of fossil-fuel based inputs such as fertilizers, reduce Greenhouse Gas (GHG) emissions from the collection and transport of “yard waste” such as leaves and brush and reduce the GHG emissions from mowers, blowers and trimmers.
- Naturalized yards are essential in helping Kingston adapt to the effects of climate change. The Climate Adaptation Working Group is in the process of drafting the “Climate Adaptation and Resilience Strategy and Implementation Plan” (two of the signatories on this Report are members of the working group). Naturalized yards reduce the Urban Heat Island effect, reduce the impact of extreme storm effects, support pollinators, reduce air pollution, increase the health of our watershed and reduce climate anxiety.
- A report coming to Council on March 19 recommends that Council sign the [Montreal Biodiversity Pledge](#) and use the CitiesWithNature [City Biodiversity Index](#) to track Biodiversity. Strategic Goal 2.3.2 Develop a Biodiversity Conservation Strategy is scheduled for delivery to Council for 2026. The crises of biodiversity loss as well as the importance of delivering on Truth and Reconciliation calls-to-action, require us to change our relationship to Nature. Kingston is part of one of the most biodiverse regions in the world. Naturalized yards (encouraged through bylaws for biodiversity) will help Kingston deliver on their commitment to the Montreal Pledge by creating patches, stepping stones and corridors for pollinators, birds and other wildlife.
- Other strategic goals the naturalized yard bylaw supports include 2.2.5 Increase education on water conservation in the community, 2.3.4 Explore other options to

Our specific recommendations are as follows:

- 1) Currently, there are provisions related to residential landscapes in both the Yard Maintenance bylaw (#2007-136) and the Property Standards by-law (#2005-100). This creates confusion for residents, as the provisions are slightly different in each bylaw. **Therefore, we recommend that the provisions related to residential landscapes be consolidated into one bylaw. Or, if they are kept in two different bylaws, that the provisions be identical.**
- 2) Currently, the Property Standards bylaw orders residential properties to be kept clear and free from “unsightly weeds and heavy undergrowth” (Section 4.42.2). Likewise, the Property Standards bylaw prohibits lawns, hedges and bushes “from becoming overgrown and unsightly” (Section 4.42.4). The Yard Maintenance bylaw requires residential properties to be clear of “long grass, brush and undergrowth by cutting regularly and removing the cuttings from the land” (Section 4.2). In both bylaws, these terms are vague, arbitrary and undefined, and, thus, do not provide clarity for residents. As well, such terms may be used arbitrarily to prevent naturalization. And finally, the use of such vague and arbitrary terms was ruled “unenforceable” by the Courts in the Bell and Counter cases. **Therefore, we recommend that any vague, culturally biased, aesthetically-based terms such as “unsightly,” “undergrowth,” “overgrown,” “brush”**

and “messy” not be included in the modernized bylaw as they would result in sterile, GHG emitting, non-biodiverse monoculture yards. Naturalized yards aren’t messy, they’re homes for bees, butterflies, beetles, birds and other creatures who contribute significantly to the food web. They’re a sensory feast. They’re biodiversity havens. They’re carbon sinks.

- 3) Currently, while there is no prohibition against “weeds” in the Yard Maintenance bylaw, the Property Standards bylaw prohibits “unsightly weeds” (Section 4.42.2) without any definition of what plants are designated as “weeds” under the bylaw. **Therefore, we recommend that a list of Prohibited Plants be included as an Appendix to the modernized bylaw and that instead of referring to “weeds,” the modernized bylaw refer to Prohibited Plants, as designated in the Appendix.**

As general principles for the Prohibited Plants list, we recommend the following:

- Keep the list as short as possible in order to reduce the room for identification errors at the enforcement level.
- Focus the list on plants that pose health and/or safety concerns.
- Don’t prohibit any native plant unless there is a compelling health or safety reason to do so.
- Don’t prohibit any plants that have medicinal or ceremonial importance.
- Engage with Indigenous partners/advisers/Elders/knowledge holders in developing the list of Prohibited Plants.
- Don’t use the Ontario Weed Control Act’s Noxious Weed List as the basis for regulation because most plants are on the provincial Noxious Weed List for agricultural reasons. The Ministry of Agriculture and Food clarified in late 2002 that the Weed Control Act applies only to agricultural and horticultural production areas, not urban areas.
- Use the term “Prohibited Plants” rather than “weeds.”
- Keep the list place-based and focused on plants of local concern.
- Be cautious about including invasive plants on the Prohibited Plants list as the nature of invasive plants is such that they are virtually impossible to remove from landscapes completely and, thus, landscapes will almost certainly be out of compliance despite best efforts to control invasive species.
- Include some mechanism in the bylaw for revising/adding to the list every year or two based on expert input and recent science.
- Maintain a “Watch List” (independent of the bylaw) of potential species to include at a future date, based on expert input and recent science.

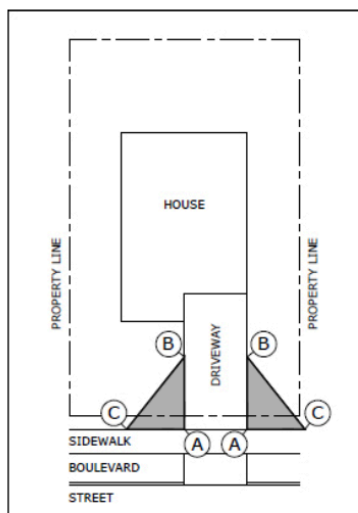
Based on the above considerations, we recommend that the following species be included on the Prohibited Plants list for Kingston:

- Common Buckthorn (*Rhamnus cathartica*) & Glossy Buckthorn (*Frangula alnus*)
- Japanese Knotweed (*Fallopia japonica*)
- Dog-Strangling Vine (*Vincetoxicum rossicum* & *Vincetoxicum nigrum*)

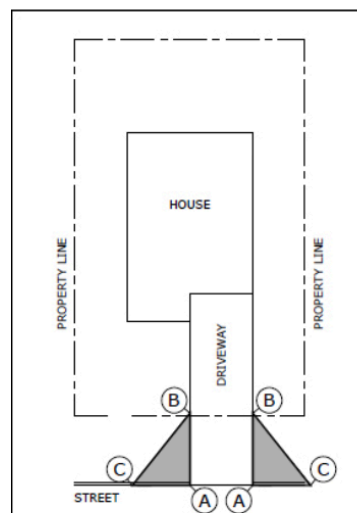
- 4) Currently, the Yards Maintenance bylaw and the Property Standards bylaw do not contain provisions related to sightlines. However, obstructed sightlines are a legitimate safety concern related to landscapes, whether naturalized or not. **Therefore, we recommend that the modernized bylaw include a provision that owners 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.**

(“Driveway Visibility Triangle means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and the street line or sidewalk (if existing) or the projections thereof, and a straight line connecting them 2.7 metres (8.9 feet) from their point of intersection.”)

(“Corner Visibility Triangle means a triangular area formed within a corner lot by the intersecting lot lines abutting two streets, or the projections thereof, and a straight line connecting them 5.4 metres (17.7 feet) from their point of intersection.”)



Driveway sightline triangles with sidewalk



Driveway sightline triangles without sidewalk

- 5) Currently, the Property Standards bylaw prohibits grass longer than 20cm (Section 4.42.3). The bylaw does not define “grass” and thus captures a broad sweep of at least 12,000 grass species, including native grasses and other species not grown as turfgrass for lawns. Not only is this prohibition overbroad, but, more significantly, it also prevents residents from following the standard method of naturalization that involves ceasing the mowing of turfgrass lawns and encouraging flowering species recruitment (from the soil seed bank, from the wind and from wildlife such as birds) for the benefit of pollinators. Reimagining their lawn is a simple, first actionable step for many homeowners in reversing biodiversity loss and making Kingston more climate resilient. A Living Lawn is a flowering tapestry teeming with a diversity of life – supporting bees, flies, moths, butterflies, wasps, beetles, fireflies and more. Living Lawns (also known as Flowering Lawns or Bee Lawns) are pollinator-supporting landscapes in a matrix of unmown turfgrass over 20cm (see our articles biodiversity starts with a Living Lawn and No Mow

May on the 1000 Island Master Gardener website. There is a great deal of interest in this approach due to the ease, accessibility, low cost, water saving, GHG reduction, biodiversity, reduction in toxins in our watershed, reduction in air pollution from lawn equipment and pollinator benefits of this approach. This approach is backed by science-based organizations such as Landscape Interactions whose work with municipalities in Massachusetts is informed by biodiversity and pollination science. See, for example, their Lincoln Pollinator Action Plan: planting for biodiversity and climate resilience and their recommendations for turning lawn into habitat. The Law Insider of naturalized area recognize this in a number of their definitions: “*Naturalized Area means 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 native species or other species to emulate a natural area.*” Finally, this is the approach to naturalization being undertaken by the City of Kingston in five public parks. **Therefore, we recommend that, other than the height restriction related to sightline/traffic safety, which is a legitimate concern, there be no height restrictions for vegetative growth, including turfgrass lawns, in the modernized bylaw.**

- 6) Currently, the Property Standards bylaw requires the removal of all “dead, or damaged trees and branches” (Section 4.42.5). However, dead wood is crucial nesting habitat for native pollinators, recommended as an important habitat feature by national, provincial and local organizations (including Master Gardeners) dedicated to educating residents on ways to support pollinators and other wildlife such as birds, and is a recommended landscape component of many wildlife garden certification programs, such as that of the Canadian Wildlife Federation. (See the section “debunking myths around naturalized gardens” in Ecological Design Lab’s Enhancing Biodiversity in Private Property Toolkit.) **Therefore, we recommend that in the modernized bylaw, the language of this clause be changed to clarify that only dead or damaged trees and branches “that pose a demonstrable safety hazard” be prohibited.**
- 7) Currently, the Property Standards bylaw promotes the use of two invasive plants (“ivy, periwinkle”) in Section 4.42.6. **We recommend that these plants be removed from the modernized bylaw. We also recommend that a Watch List and education around common invasive garden species be developed.**
- 8) Currently, the Yard Maintenance bylaw and the Property Standards bylaw require that all composting be done in a container and that the container does not allow egress to any animal (Section 4.7 of Yard Maintenance bylaw and Section 5.5 to 5.7 of the Property Standards bylaw). This clause has two significant consequences:
 - i) Residents are not allowed to create decomposing leaf piles, which are beneficial for the production of a crucial, low-cost soil amendment called “leaf mold” (it’s not mold but rather a crumbly, odorless soil-like material) and are done in open piles containing only dead leaves. **Therefore, we recommend that leaf piles be specifically allowed within the modernized bylaw.**

- ii) No commercially available compost bin on the market, other than tumbling bins that are aboveground and rotate on metal posts, can claim to be completely impenetrable to animals. This provision, if enforced, would drastically curtail the ability of residents to reduce the amount of garbage their household produces and the ability of residents to create compost. **Therefore, we recommend that Section 4.7 and Section 5.5 to 5.7 be removed.**
- 9) Currently, the Property Standards bylaw contains an appeals process outlined in Section 9, though the Yards Maintenance bylaw does not contain an appeals process. **We recommend that the modernized bylaw include an appeals process.**
- 10) **"We recommend that, in modernizing the bylaw in support of naturalization, Kingston not include a "Naturalization Exemption" or a "Natural Garden Exemption".** (Toronto modernized its bylaw in 2022 and removed the exemption.) **We recommend that Kingston specify rules that apply to all residential landscapes, whether or not they are naturalized.** Exemptions serve to stigmatize naturalization, treating such landscapes as a special case. This disincentivizes people from carrying out naturalization. Further, it's debatable that such an exemption would withstand a Court challenge, as the Sandy Bell case ruled that the right to a natural garden is a Charter-protected right, and the Counter case furthered that protection to public right-of-ways on the boulevard, clarifying that this right is subject only to health and safety considerations. Along with the above reasons for our recommendation that Kingston not include a Naturalization Exemption or a Natural Garden Exemption, we note that defining a "Natural Garden" or "Naturalization" in a meaningful way is difficult.
- 11) **We recommend training for bylaw officers in recognizing Prohibited Plants and in understanding the value of plants, dead wood, leaves and other habitat features commonly found in naturalized yards.** 1000 Islands Master Gardeners would be happy to help Bylaw officers with this and, if needed, as part of the training could accompany a bylaw officer to a site of concern.
- 12) **We recommend an educational campaign for the general public on the benefits of naturalized yards for climate resilience and biodiversity.** To deliver on Climate and Biodiversity goals, one of the biggest challenges will be shifting perceptions and shifting behaviours. Opportunities for the City include No Mow May, Slow Mow Summer, Leave the Leaves, etc. 1000 Islands Master Gardeners are already doing extensive work on education and behaviour change through their weekly Zoom sessions, weekly newsletters, workshops, toolkits (in development) and extensive content on 1000islandsmastergardeners.ca. **As part of any educational campaigns we recommend that the City work with the 1000 Islands Master Gardeners and help promote their work to green Kingston and make it more biodiverse, climate resilient and food secure.**
- 13) **We recommend that in enforcing the modernized bylaw, the onus be on the complainant to identify the Prohibited Plant(s) present in the yard before enforcement action is undertaken.** Significant City resources are devoted to bylaw enforcement of property complaints, and yet often the basis for the complaint is simply the fact that

neighbours are fighting or don't get along. As well, City resources are likewise wasted on complaints that are lodged simply because the complainant doesn't like the way a yard or garden "looks". (The Courts have ruled that the Charter-protected right to a "natural garden" is subject only to health and safety restrictions, not aesthetics, and that bylaw language based on aesthetic judgements is unenforceable.) Along with these considerations is the fact that if people feel under constant threat of being required to defend and justify their naturalization, they might be less likely to undertake the positive climate and biodiversity action of naturalizing their yards. A simple way to "weed out" unfounded, aesthetically-based and/or frivolous complaints is to train City staff who answer the complaints line to ask the question: "Can you identify for us which Prohibited Plant(s) are in the yard of concern?"

With many thanks, and please don't hesitate to contact us for clarification or assistance.

Lorraine Johnson, Honorary Master Gardener and author of numerous books on native plant gardening and naturalization

Joyce Hostyn, Master Gardener, 1000 Islands Master Gardeners & Little Forests Kingston

Elsabe Falkson, Master Gardener in Training and Rotary Kingston

Nancy Shepherd, Master Gardener

Astrid Muschalla, Master Gardener and Coordinator 1000 Islands Master Gardeners

Christine Hough, Kingston Field Naturalists

Susie Everding, Master Gardener

Diane Huddle, Master Gardener

Tracey Filson, Master Gardener

Anna Sadura Healey, Master Gardener

Marie McKenna, Master Gardener

Teresa Roseboom, Master Gardener

Joanne Whitfield, Master Gardener in Training

Sandra Jass, Master Gardener in Training

Nathan Nездoly, Master Gardener in Training

Josh Cowan, Master Gardener in Training

Municipal Comparison for Naturalized Gardens

Municipal Regulations on naturalized gardens vary significantly by city, reflecting local priorities and concerns about aesthetics, safety and biodiversity.

The following cities are supportive of naturalization (this list is not comprehensive):

Prince Edward County, Toronto, Burlington, Smith Falls, Fredericton, London, Ottawa, Guelph, Markham, Collingwood, Barrie, Collingwood, Edmonton, Windsor, Toronto, Chatham-Kent, Sarnia & Waterloo.

Below, staff provided information samples of local municipalities of various sizes.

Prince Edward County

- Created a “Grass & Weeds By-Law”.
- Created a Registry to identify any naturalized gardens.
- Created a length of grass regulation of 20cm (about 7.87 in).
- Used an educational approach, including social media to promote the by-law along with importance for naturalization.
- Created a prohibited plant Schedule within By-law.
- Established sight line regulations.

Toronto

- Created a “Turf Grass & Prohibited Plants By-law”.
- Created a length of grass regulation of 20cm (about 7.87 in).
- Established sight line regulations.
- Created a “Prohibited Plants Schedule with the By-Law.
- Associates any costs for non-compliance penalties be added to the tax roll.
- Created set fine violations.

In Toronto, the regulations have been updated to support naturalized gardens, recognizing the right to grow such spaces as a form of expression. The city’s bylaws no longer require exemptions for natural gardens, provided they do not contain prohibited plants or pose safety hazards. Property owners must ensure that vegetation does not obstruct sidewalks, streets or sightlines at intersections.

Smith Falls

A notable case highlighted challenges and evolving attitudes toward naturalized gardens. A couple successfully challenged an order to remove their naturalized lawn, leading to the town to reconsider its approach to such gardens. This case underlines a growing acceptance and legal recognition of naturalized gardens across smaller municipalities.

Burlington

Burlington has a more nuanced approach, with Lot Maintenance bylaw requiring a “buffer strip” of low-growing vegetation next to public areas or neighbor properties. The bylaw mandates that vegetative growth must not exceed 20 centimeters (about 7.87 in) in height and must be maintained to avoid obstructing sidewalks and streets. However, buffer strips are only required on larger properties (over 0.4 hectares).

Chatham-Kent, Ontario

Model definition for “Naturalized Area” <https://www.chatham-kent.ca/localgovernment/Documents/99-2021.pdf>

Collingwood, Ontario

It has a Natural Garden exemption in its bylaw.

https://www.collingwood.ca/sites/default/files/docs/town-services/bylaws/218-16_bl2016-040_propertystandards.pdf

Fredericton, New Brunswick

The City of Fredericton’s bylaw stands out as the most progressive in Canada because it does not regulate lawn height or aesthetics at all. The bylaw encourages individual choice with respect to aesthetics and supports biodiversity. It does not disincentivize naturalization and regulates yard maintenance in accordance with health and safety risks alone.

Guelph, Ontario Guelph supports naturalization with the resource How to Replace Grass with a Garden: www.guelph.ca/living/house-and-home/lawn-and-garden/preparing-new-garden