CITY OF ST. CATHARINES

BY-LAW NO. 2026-127

A By-law to regulate Turfgrass and Naturalized Gardens.

WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (*"Municipal Act, 2001"*) gives municipalities the capacity, rights and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS sections 8 and 11 of the *Municipal Act, 2001* provide the City with broad authority to provide any service or thing that the City considers necessary or desirable for the public;

AND WHEREAS section 11of the *Municipal Act, 2001* provides authority to a municipality to pass by-laws for the health, safety and well-being of persons and protection of persons and property, including consumer protection;

AND WHEREAS section 127(a) of the *Municipal Act, 2001* enables a municipality to pass by-laws requiring the owner of lands to clean and clear the land and section 127(b) enables a municipality to regulate how matters under section 127(a) shall be done;

AND WHEREAS section 128 of the *Municipal Act, 2001* enables a municipality to pass by-laws which prohibit and regulate public nuisances, including matters which in the opinion of Council are or could become or cause public nuisance;

AND WHEREAS section 434.1 (1) of the *Municipal Act, 2001*, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under that Act;

AND WHEREAS it is desirable for Council of the Corporation of the City of St. Catharines to establish a system of permitting for certain naturalised areas in order to ensure such naturalized areas

NOW, THEREFORE, the Council of The Corporation of the City of St. Catharines enacts as follows:

1. TITLE:

1.1 **Short Title:** This by-law may be cited as the "Turfgrass and Prohibited Plant Species By-law"

2. SCOPE AND INTERPRETATION:

2.1 **Application**: This By-law shall apply to all land in the geographical boundaries of the City of St. Catharines, save and except:

(a) lands owned by The Corporation of the City of St. Catharines (excluding City-owned Boulevards) and its local boards or authorities including the St. Catharines Municipal Development Corporation and St. Catharines Hydro;

(b) lands owned by The Regional Municipality of Niagara and its local boards and authorities,

(c) lands owned by any conservation authority;

(d) lands owned by any other government authority, school board, or utility corporation; and

(e) lands zoned as Agricultural (A1), Agricultural Only (A2), Agricultural Commercial / Industrial (A3), G1, G2, or G3 under the City of St Catharines Zoning By-law 2013-283, as amended

2.2 Administration The Director is responsible for the administration and enforcement of this By-law

2.3 Definitions In this By-law

"**Applicant**" means a person who applies for a Permit in accordance with section 3 2

"**Application**" means a submitted application for a Permit under section 3 2

"**Boulevard**" means the part of a Street that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the road and the adjoining property line,

"**City**" means The Corporation of the City of St Catharines or the geographic area of the City of St Catharines, as the context requires,

"**Director**" means the Director of Planning and Building Services, or their designate, for the purposes of carrying out the provisions of this By-law,

"**Director of Municipal Works**" means the Director of Municipal Works, or their designate, for the purposes of carrying out the provisions of this By-law,

"Driveway Sight Triangle" means an unobstructed triangular area formed at the intersection of a Lot Line and the lateral limit of a driveway The area of the triangle shall be determined by measuring from the point of intersection of the Lot Line and the lateral limit of the travelled portion of the driveway, a distance of 4 5 metres along the Lot Line and the lateral limit of the driveway, and a third line joining the terminal points of the two (2) measured lines Where applicable, Driveway Sight Triangle is required abutting a driveway located on an adjacent property

"Committee" means the City of St Catharines Environmental Sustainability Advisory Committee

"Corner Lot Sight Triangle" means an unobstructed triangular area where the Front Lot Line and Exterior Side Lot Line meet on a Corner Lot The area of the site triangle shall be determined by measuring a prescribed distance along each of the two (2) Lot Lines from the point of intersection, and a third line joining the terminal points of the two (2) measured lines The prescribed distance to be measured along each Lot Line in a Residential zone shall be 6 0 meters, and in all other zones shall be 7 5 metres

"**Council**" means the Council of The Corporation of the City of St Catharines,

"Cultivate" means to promote growth and development, and undertake maintenance through deliberate effort or care,

"Destroy" means the removal, destruction, and disposal of a Prohibited Plant Species, which may include the following depending on the type of Prohibited Plant Species and direction provided by City staff

(a) pulling or removing the plants from the soil,

(b) plowing or cultivating the soil in which the Prohibited Plant Species is growing,

(c) treating with an herbicide that cause the Prohibited Plant Species to be destroyed or prevents the growth of the Prohibited Plant Species or the ripening of their seeds, or

(d) disposing of the Prohibited Plant Species within a garbage receptacle,

"Exterior Side Lot Line" means the longest Lot Line along a Public Road where Land has two (2) or more Lot Lines along a Public Road

"Front Lot Line" means the shortest Lot Line along a Public Road

"Garden" means an area where plants, trees, bushes and shrubs are intentionally Cultivated with the intent to grow food, provide aesthetic value, or supply a naturalized habitat, but excludes Prohibited Plant Species and Ground Cover,

"Ground Cover" means low-growing, ground vegetation such as sod with living turfgrass or plants growing in a dense, uniform manner to act as a lawn replacement, but does not include trees, shrubs, bushes or Gardens

"Highway" means a common and public highway, and includes one or both of the following

(a) any street, road, avenue, parkway, lane, driveway, Boulevard, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons, or

(b) the area between the lateral property lines of any highway or road allowance including any curbs, gutters, Boulevards, culverts, ditches and retaining wall,

"Interior Side Lot Line" means a Lot Line that extends from a Front Lot Line to a Rear Lot Line and does not front on a Public Road

"**Land**" includes any private property, premises, grounds, yards or vacant lot,

"Lot Line" means any line that makes up the legally defined boundaries of Land

"Naturalized Garden" means a clearly defined landscape area that contains intentionally planted plant species that are not Prohibited Plant Species, which is maintained to ensure positive biodiversity not having an adverse effect on adjacent lands or the health and safety of person(s), but does not apply to

(a) Ornamental plants,

(b) Shrubs or trees,

(c) Cultivated fruits or vegetables, and

(d) Plants buffering or protecting a natural feature such as a watercourse

"**Officer**" means a person appointed as a Municipal By-law Enforcement Officer in accordance with section 55 of the *Community Safety and Policing Act, 2019,* S O 2019, c 1, Sched 1

"Ornamental Plant" means a plant deliberately grown for beautification, screening, accent, or other aesthetic reasons but does not include weeds such as crab grass, dandelions, clovers, pigweed (amaranth), ribwort/buckthorn plantain, and Prohibited Plant Species

"Owner" includes the registered owner, occupant, tenant, person in charge of the Land, or the person for the time being managing or receiving the rent of the Land whether on their own account or on the account of an agent or trustee of any other person or any of the aforesaid,

"Permit" means a certificate issued in accordance with the relevant provisions in this by-law that authorizes a property owner to have a Naturalized Garden on Private Property

"Private Property" means premises not owned by

(a) the City or its local public bodies and agencies including the St Catharines Municipal Development Corporation and St Catharines Hydro,

(a) the Regional Municipality of Niagara, its local public bodies and agencies,

(b) the Niagara Region Conservation Authority,
(d) the Niagara Escarpment Commission, or

(e) the Crown in Right of Ontario, and its boards, commissions and agencies, and the Crown in Right of Canada and its boards, commissions or agencies, and crown corporations,

"**Prohibited Plant Species**" means the following plants as outlined in Schedule "A" to this By-law,

"Public Road" means a Street or Highway under government jurisdiction that is open and maintained year-round

"Rear Lot Line" means a Lot Line which is opposite to the Front Lot Line

"**Street**" means a highway as defined in the *Highway Traffic Act*, R S O 1990, c H 8, as amended,

"**Turfgrass**" means ground cover of various perennial grasses grown for lawns, of a type that forms a dense, uniform turf when mown.

2.4 **Boulevards** Nothing in this By-law shall prevent the Director of Municipal Works from altering, opening or otherwise using any Boulevard for municipal purposes

2.5 An Officer may enter upon Land at any reasonable time in accordance with the *Municipal Act, 2001*, for the purposes of carrying out an inspection, including but not limited to

(a) to determine compliance with the provisions of this By-law,

(b) to determine compliance with a Permit issued under section 2 of this By-law, or

(c) to determine compliance with an Order as provided for in section 2 of this By-law

2.6 For the purposes of conducting an inspection pursuant to this By-law, an Officer may

(a) require the production for inspection of documents or things relevant to the inspection,

(b) inspect and remove documents or things relevant to the inspection for the purpose of making copies, extracts, or taking photographs,

(c) require information from any person concerning a matter related to the inspection, and

(d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection

2.7 A receipt shall be provided for any document or thing removed under section 1 6(b) and the document shall be promptly returned once copies have been made or photograph captured,

2.8 No person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law

3. GENERAL

3.1 Every Owner shall maintain all Ground Cover on Private Property and adjacent Boulevards, to ensure it does not exceed a height of twenty centimetres (20 cm)

3.2 Every Owner shall be permitted to maintain a Garden to provide aesthetic value or grow food, provided that they are

(a) maintained and intentionally Cultivated; and

(b) do not cause potential adverse safety effects on something or someone

3.3 Every Owner or Occupant shall ensure that a Garden planted on Private Property does not affect the safety, visibility, or passage of the general public and not encroach or obstruct

(a) a sidewalk or roadway traffic,

(b) driver or pedestrian sight lines, or

(c) onto an adjacent property

3.4 No Owner shall cause or permit a Prohibited Plant Species to remain on Private Property or an adjacent Boulevard

3.5 Every Owner shall be responsible to Destroy all Prohibited Plant Species on Private Property or an adjacent Boulevard at their sole expense

4. NATURALIZED GARDEN STANDARDS

4.1 Every Owner may maintain a Naturalized Garden in accordance with the provisions and standards outlined herein

4.2 Every Naturalized Garden shall

(a) be set back a minimum of 1m from a property line,

(b) be set back a minimum of 1m from a fire hydrant,

(c) be set back a minimum of 1m from a utility box,

(d) not impact driver or pedestrian sightlines at intersections, Driveway Sight Triangle, Corner Lot Sight Triangle, sidewalks, walkways, or visibility to all traffic control devices, and

(e) not contain a Prohibited Plant Species

5. NATURALIZED GARDEN PERMIT:

5.1 No person shall keep and/or permit a Naturalized Garden on Land without a Permit issued in accordance with this By-law

5.2 An Application for a Permit to keep a Naturalized Garden may be made by a person in the form prescribed in this By-law

5.3 The Director may issue a Permit as submitted by the Applicant, issue a modified Permit, or deny a Permit in accordance with the relevant provisions of this By-law

5.4 The Director shall issue a Permit that has been properly submitted, unless

(a) the Application does not meet the definition of a Naturalized Garden and/or the standards outlined in this by-law,

(b) the Application contravenes the *Ontario Weed Control Act*, R S O 1990, c W 5, as amended, and its associated Regulations,

(c) the Application contravenes the *Invasive Species Act, 2015*, S O 2015, C 22 – Bill 37,

(d) The Application contravenes the Plant Protection Act, S C 1990, c 22,

(e) The Application contravenes the Seeds Act, R S C , 1985, c S-8,

(f) the Application in question contains a Prohibited Plant Species,

(g) The Application, in the opinion of the Director or their designate, obstructs visibility for pedestrians and/or vehicular traffic,

(h) The Naturalized Garden is in a Driveway Sightline Triangle,

(i) The Naturalized Garden is in a Corner Lot Sightline Triangle,

(j) The Application is for property other than Private Property, or

(k) The required fee is not paid

5.5 The Director may modify a Permit to impose additional conditions as the Director determines to be necessary if in the opinion of the Director the addition condition gives effect to the purposes of this By-law.

5.6 **Appeal to Committee** An Applicant who is aggrieved of the decision of the Director in issuing a modified Permit or denial to issue a Permit may appeal the decision to the City of St Catharines Environmental Sustainability Advisory Committee (the "Committee") within fourteen (14) days of receipt of the Director's notice of decision

5.7 **Procedure of Appeal to the Committee** An appeal to the Committee

(a) shall be in the form as provided by the City,

(b) shall be *de novo*, and

(c) follow the *Rules and Procedures* of the Committee

5.8 **Power of Committee on Appeal**· the Committee, in accordance with and in maintaining the relevant provisions of the By-law, shall

(a) issue a Permit as submitted by the Applicant,

(b) issue a modified Permit, or

(c) deny issuance of the Permit in its entirety

5.9 **Appeal to Council** An Applicant who is aggrieved of the decision of the Committee when exercising section 2 7, may appeal the Committee's decision to Council

5.10 **Procedure of Appeal to Council:** An appeal to Council

(a) shall be in the form as provided by the City;

(b) shall be *de novo*, and

(c) follow Council's established rules and procedures with respect to hearings

5.11 **Power of Council on Appeal** Council may, in accordance with and in maintaining the relevant provisions of the By-law, shall

(a) issue a Permit as submitted by the Applicant,

(b) issue a modified Permit, or

(c) deny issuance of the Permit in its entirety

5.12 **Changes to a Permit:** Any changes to an existing approved Permit shall be deemed to be a new Application, and shall follow the process in accordance with this by-law

5.13 **One Permit per Land:** Only one Permit shall be permitted on a Land at any time Should a new Permit be issued as a result of a new Application, any previous permit will be considered null and void

6. ORDERS AND REMEDIATION

6.1 An Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention or the Owner of Land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention

6.2 An order made pursuant to Section 6 1 shall include

(a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the Land on which the contravention occurred, and

(b) the date by which there must be compliance with the order or the work to be done and the date by which the work must be done

6.3 No person shall fail to comply with an order made pursuant to Section 6 1, and failure to comply with the Order constitutes an offence

6.4 Any order required to be given to or served upon a person pursuant to this By-law may be served

(a) personally,

(b) by email to the last known email address on record and is considered served on the same day it is sent if it was e mailed before 4 p m , otherwise, it is deemed to be given the day after, or

(c) by registered mail to the last known mailing address on record, which service shall be deemed to be five (5) days after mailing

6.5 If the City is unable to effect service under Section 6 4 or the delay necessary to serve an order would result in an immediate danger to the health or safety of any person, the order may be placed in a conspicuous place upon the property and shall be deemed to be sufficiently given to or served upon the person to whom the Order is directed three (3) days after placement

6.6 Where a matter or thing that is required to be done through an order of an Officer pursuant this By-law is not completed by the time set out in the order, the matter or thing may be done by the City at the person's expense and the City may recover the costs of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

7. PENALTIES

General

7.1 Every person who contravenes any provision of this By-law and/or who obstructs or attempts to obstruct an Officer or an agent of the City in carrying of their duties under this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided in the *Provincial Offences Act*, R S O 1990, c P 33, as amended

7.2 Every person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of this By-law, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S O 2001, C 25, as amended

7.3 All contraventions of any provision of this By-law or an Order issued pursuant to this By-law are designated as multiple offences and continuing offences pursuant to subsections 429(2) and (5) of the *Municipal Act, 2001*, S O 2001, c 25, as amended

7.4 Every person other than a corporation who contravenes any provision in this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than $10,000 00 for a first offence and not more than $25,000 00 for a subsequent offence

7.5 Every corporation that contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than $50,000 00 for a first offence and not more than $100,000 00 for subsequent offence

7.6 Any person who contravenes or fails to comply with an Order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of $10,000 00 for each day or part of a day that the offence continues, and despite section 7 4 and 7 5, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those sections

7.7 Every person who is convicted of an offence under this By-law may be liable, in addition to the fine established under sections 7.4, 7.5, and 7.6, to a special fine, which may exceed $10,000.00, designed to eliminate or reduce any economic advantage or gain from contravening this By-law or failing to comply with an Order made under this By-law.

7.8 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an Order:

(a) prohibiting the continuation or repetition of the offence by the person convicted; and

(b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

7.9 Where any person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the City related to the contravention.

Administrative Monetary Penalty

7.10 This By-law in its entirety is designated as a by-law to which the City's Administrative Monetary Penalty by-law, being By-law No. 2021-68: a by-law to establish a system for non-parking related administrative penalties (the "AMPS By-law"), applies.

7.11 Every person who contravenes any provision of this By-law, and each registered owner, when given a Penalty Notice in accordance with the AMPS By-law, shall be liable to pay the administrative penalty in the amount specified in the AMPS By-law, and any fees related thereto.

8. MISC.

8.1 If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

8.2 In this By-law, unless the contrary intention is declared, words used in singular shall include the plural.

8.3 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations. If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes a higher standard shall apply.

8.4 Any reference to any legislation including, statutes, regulations, and By-law, in this By-law includes legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

8.5 **Repeal**: This By-law, on the date of its passing, shall repeal By-law No. 2004-122: A By-law to provide for the maintenance of grasses and weeds, and By-law No. 2014-22 being a by-law to amend By-law No. 2004-122.

9. ENACTMENT

9.1 This By-law comes into force on the date of its passing.

Read and passed this 2nd day of November 2026.

CLERK MAYOR