



Memorandum

Corporate By-law Number: 8-2025-Corporate Services-Licensing & Enforcement

TO: Office of the City Clerk **FILE:**

FROM: Doug Vincent, Manager – Licensing & Enforcement
Corporate Services

DATE PREPARED: December 5, 2024

SUBJECT: 008-2025 Draft Boulevard By-law.docx

MEETING DATE: City Council - January 13, 2025

By-law Description: A By-law to permit boulevard gardens and require maintenance of boulevards.

Authorization: Report 349-2024 (Committee of the Whole) – September 23, 2024 and Resolution - Committee of the Whole – December 16, 2024

By-law Explanation: The purpose of this By-law is to authorize the City of Thunder Bay to permit boulevard gardens.

Schedules and Attachments:

Schedule A – Prohibited Local Plants for Boulevard Gardens.

Schedule B – Prohibited Auditor Generals List – Unregulated Invasive Plant Species

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 008-2025

A By-law to permit boulevard gardens and require maintenance of boulevards.

Recitals

1. Section 10 (2) (5) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change.
2. Section 10 (2) (6) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons.
3. Section 10(2) (8) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended provides that a municipality may pass by-laws respecting the protection of persons and property.
4. Section 27(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction.
5. Section 28(2) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors and all road allowances, highways, streets and lanes shown on a registered plan of subdivision.
6. Section 30 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended provides that a highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person.
7. Section 128 of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended provides that a local municipality may pass by-laws with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. General

- 1.1 Short Title: That this By-law may be cited as the “Boulevard Garden and Maintenance By-law.”
- 1.2 Scope: That this By-law shall apply to all Boulevards within the geographic boundaries of the City of Thunder Bay.
- 1.3 Definitions:
 - a. “Adjacent Boulevard” means the Boulevard immediately adjacent to the front, side, rear or exterior side yards of an Owner’s property that is between the property line and is an opened Right-of-Way.
 - b. “Boulevard” means the portion of a Highway between the adjacent property lines and the edge of the curb or travelled road surface of a Highway, or where there is a ditch, swale or other drainage infrastructure, from the adjacent property lines to the nearest edge of the ditch, swale or other drainage infrastructure, but does not include traffic islands or traffic medians.
 - c. “Boulevard Garden” means vegetation contained within a Boulevard including a Garden Box and consisting of annual or Herbaceous plantings which are native or adaptive to Ontario and their cultivars but does not include woody stemmed plants including shrubs or trees.
 - d. “Boulevard Garden Acknowledgement Declaration” means the statement of terms & conditions that the City has set-out in this By-law that, if adhered to, would authorize the person signing the declaration to enter onto certain City-owned lands for the purpose of creating and maintaining an Adjacent Boulevard Garden.
 - e. “Boulevard Restricted Area” means a 1500 mm reserve, measured from the road edge toward the adjacent property line in any location where curbs are not present.
 - f. “City” means The Corporation of the City of Thunder Bay.
 - g. “Garden Box” means a straight-walled container that is built and designed to hold and contain soil materials for herbaceous plants, that is of uniform construction and made entirely of untreated wood that has been planed to smooth the surface.
 - h. “Herbaceous” means a plant which does not form a woody stem and dies down to the root each year.
 - i. “Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle under the jurisdiction of the City, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

- j. “Maximum Growth Height” means the maximum height above original grade for any plant that is found within the Boulevard Garden, whether intentionally cultivated or otherwise occurring.
- k. “Nuisance Litter” means any debris that is found or stored upon lands, that is likely to create an immediate hazard or nuisance to other persons or lands by entrapment, odour or by attracting animal/vermin. This includes Waste Material, natural or intentional accumulations of fruit, vegetables and other discarded materials, or compost not kept in accordance with this By-law. It also includes other materials that migrate from the owners’ lands onto surrounding lands, by any reason, including wind or other environmental factors.
- l. “Officer” means a Municipal Law Enforcement Officer for the City or a police officer.
- m. “Order” means an order to complete required work or to stop work from continuing, that is issued under this By-law.
- n. “Owner” means any person, firm, or corporation that is the registered owner of the property under consideration.
- o. “Owner-Agent” means any person, firm or corporation, who does not otherwise have control of the Adjacent Boulevard property under consideration but is provided permission in writing to establish and maintain the property’s Boulevard Garden adjacent to the specific lands owned by the person(s) that provided such permission.
- p. “Public land” means any land under the ownership, management or jurisdiction of the City or a provincial or federal government authority.
- q. “Recognized Winter Safety Hazard Marker” means a commonly available “driveway or hazard” marker that is usually plastic, fiberglass, or light metal (aluminum), often a high-visibility colour (or white), with a multi-sided reflector top. They commonly range in height from 915 mm to 1830 mm and usually in a diameter of between 5 mm and 10 mm, but may be slightly larger. A home-made version that meets the requirements and is not otherwise prohibited by the By-law is acceptable, providing it does not create a safety hazard.
- r. “Required Set-Back” means an area of boulevard within which, only herbaceous plantings up to 600 mm maximum height may be hand-dug and planted and further restrictions include prohibiting impervious materials, rocks and Garden Boxes in this area.
- s. “Right-Of-Way” means any property of the City of Thunder Bay that contains an open street but does not include an unopened road or one

that was open but is now closed, or any laneway. Abbreviated as “ROW”.

- t. “Set-Back Area” means the 600mm around curbsides, shoulder edges, sidewalks, and driveways.
- u. “Sight triangle” means a triangular area that is clear of any visual obstruction from Boulevard Garden plantings and is formed between points measured along the closest curb-lines (or closest edge of road shoulder where applicable) a prescribed distance of 9000 mm in each direction from the intersection of those streets.
- v. “Soft Landscape” means the surface of the Boulevard Garden is covered in natural material that is pervious to absorption of water but does not include artificial surface materials.
- w. “Turfgrass” means ground cover of various perennial grasses grown for lawns, of a type that forms a dense, uniform turf, if mown.
- x. “Waste material” includes refuse, garbage, debris, litter, domestic waste, industrial waste of any kind and, without limiting the generality of the foregoing, includes:
 - i. weighty or bulky items such as appliances or furniture;
 - ii. vehicles, vessels, other motor-powered equipment and any parts thereof which, in its present state, appears discarded, inoperative, wrecked, partially or wholly dismantled, or not immediately available for the use it was originally manufactured for;
 - iii. broken concrete, patio stones, bricks or pallets;
 - iv. unused building material or material resulting from construction or demolition;
 - v. yard waste, brush, and branches except where integrated into a planned naturalized garden area that does not otherwise create a nuisance litter or other hazard condition;
 - vi. fallen trees or tree limbs;
 - vii. animal and human feces;
 - viii. unused tire or accumulations of unused tires;
 - ix. unused or derelict lawnmowers, lawn tractors or similar mechanical devices and mechanical or electrical parts; and
 - x. any discarded item.

2. Maintenance of Adjacent Boulevards by Property Owners

- 2.1 Every owner of property that abuts adjacent City Boulevard lands shall maintain those lands in a clean and clear condition, free of waste materials and when not being used as a Boulevard Garden, trim the turf grass and any herbaceous growth, in areas not containing a Boulevard Garden and is a reasonably safe grade or slope to so, as to not exceed 200 mm in height.
- 2.2 Every Owner, Owner-Agent or other person who establishes or maintains a Boulevard Garden shall keep the Adjacent Boulevard clean and cleared of Waste Material and Nuisance Litter at all times.
- 2.3 Notwithstanding the requirements for Waste Material to be removed at all times, the following is permitted in all Boulevard Gardens, except in Required Set-Back areas and Garden Boxes: yard waste, brush and branches where integrated into a planned naturalized garden area that does not otherwise create a Nuisance Litter or other hazard condition.
- 2.4 Every Owner, Owner-Agent or other person who establishes or maintains a Boulevard Garden, that includes Turfgrass, shall keep the Adjacent Boulevard trimmed of Turfgrass to not exceed 200 mm in height.

3. Boulevard Garden Acknowledgement Declaration/Transfer/Removal

- 3.1 The City may establish an Acknowledgement Declaration system for Owners and Owner-Agents that desire to establish Boulevard Gardens, that includes terms and conditions required to plant and maintain a Boulevard Garden. Any such system may include as a condition precedent that an Owner agree to assuming all risks, costs, losses, or expenses associated with planting or maintaining a Boulevard Garden, including but not limited to those risks, costs, losses, or expenses arising from those circumstances set out in this By-law.
- 3.2 The City, a public utility, or their agents may remove or alter all or part of a Boulevard Garden in order to exercise any power authorized by law, including but not limited to carrying out municipal maintenance practices, or the construction and maintenance of a public utility, as determined at the City or public utility's sole discretion. In all circumstances the costs or losses associated with replacement of a Boulevard Garden shall be the responsibility of the Owner who establishes, maintains, or assumes responsibility for a Boulevard Garden.
- 3.3 The City its agents, or a public utility shall not be responsible for costs, losses, or damages arising from the establishment or maintenance of a Boulevard Garden and are not responsible for replacement of a Boulevard Garden.

- 3.4 Nothing in this By-law shall be construed as creating a property interest in Public land, and any Owner who plants or maintains a Boulevard Garden does so at their sole risk and expense.
- 3.5 All Owners, who have established or authorized a Boulevard Garden be created and then sell or transfer the property at a future date, shall inform the purchaser in writing before completing the transfer, of the continued obligations to the City concerning the Boulevard Garden(s) associated with the property under this By-law, or remove the Boulevard Garden and reinstate the boulevard to the required standard before the transfer.
- 3.6 All new owners of property are deemed to have assumed the obligations for an existing Boulevard Garden pursuant to this By-law, where a Boulevard Garden was established or maintained by the prior Owner of the purchased property, on an Adjacent Boulevard.
- 3.7 All new owners of property, with an Adjacent Boulevard Garden, must complete and submit a new Acknowledgement Declaration or remove the Boulevard Garden within 180 days of obtaining ownership of adjacent property to the Boulevard Garden.
- 3.8 Where a new Owner of property fails to either remove or maintain the Boulevard Garden, the City may remove the Boulevard Garden and rehabilitate the area, without notice or liability to an Owner and may require the reimbursement of all costs, including administrative fees as a debt owed the City and may recover by placing on the property roll to be recovered in a manner like taxes.
- 3.9 All Boulevard Gardens which existed prior to this By-law coming into force, are not “grandfathered” or exempt to the application of this By-law and must conform with the provisions of this By-law, including the requirement to complete and submit the Acknowledgement Declaration, or remove the Boulevard Garden.

4. Acknowledgement Declaration Required
 - 4.1 Every Owner or Owner-Agent that wishes to establish or maintain a Boulevard Garden in an Adjacent Boulevard of their property, shall first complete and submit a Boulevard Garden Acknowledgement Declaration Agreement, and thereby agree to the terms of use concerning Boulevard Gardens, maintenance and removal, within the City.
 - 4.2 Every Owner may in writing, allow another person(s) to submit the Boulevard Garden Acknowledgement Declaration and be known as an Owner-Agent, which permits them to establish and maintain Boulevard Gardens and Garden Boxes adjacent to the owners property.

- 4.3 Boulevard Gardens cannot be established adjacent to vacant lands or where occupancy/use appear to have been abandoned or the property no longer meets the Standards set out in the Municipal Standards For Property By-law.
- 4.4 Every Owner and Owner-Agent, shall comply with the applicable terms and conditions required to establish, maintain or remove any Boulevard Garden, including Garden Boxes.
- 4.5 Every Owner and Owner-Agent, when requested by the City, shall satisfy any requests, make alterations or remove the Boulevard Garden, in a manner and time frame prescribed.
- 4.6 Every Owner and Owner-Agent, when requested by an Officer, shall complete and submit an Acknowledgement Declaration, in the manner and timeframe required.
- 4.7 Every Owner and Owner-Agent shall not permit the Boulevard Garden to create a potential health safety, or fire hazard to anyone.
- 4.8 Every Owner and Owner Agent shall not permit the Boulevard Garden or its' growth, to encroach over adjacent public walkways or roads, including the Boulevard Restricted Area or private property.
- 4.9 Prior to establishing a Boulevard Garden or carrying out any excavation required to establish or maintain a Boulevard Garden, an Owner shall ensure that they have complied with the *Ontario Underground Infrastructure Notification System Act*, S.O. 2012, c. 4, and regulations made thereto, referred to as an Ontario One Call, (before you dig).
- 4.10 Notwithstanding the above provisions, these requirements do not relieve the Owner from first obtaining any other regulatory approvals or complying with any other government legislation in fulfilling this section's requirements.
- 4.11 No Boulevard Garden shall be planted or maintained contrary to any other by-law of the City, legislation of the Province of Ontario, or statute of Canada.
- 4.12 Notwithstanding 4.11 above, the provisions of City of Thunder Bay By-law 119-1983 prohibiting obstruction or encumbrance of any Highway under the jurisdiction of the City do not apply to a Boulevard Garden properly conforming to this By-law, unless requested to be corrected or removed by a City Municipal Law Enforcement Officer, in writing.

5. Additional Requirements to Establish and Maintain a Boulevard Garden and Garden Boxes
 - 5.1 Every Owner or Owner-Agent, who has completed and submitted an Acknowledgement Declaration to establish and maintain a Boulevard

Garden, in addition to other provisions of this By-law, are required to adhere to the following provisions:

- a. Except where otherwise expressly permitted, only Soft Landscaping and hand-digging is permitted.
- b. Only Herbaceous plants are permitted in Boulevard Gardens, including Garden Boxes.
- c. Woody-stemmed plants, including shrubs, are prohibited for planting or being maintained in Boulevard Gardens, including Garden Boxes.
- d. Garden Boxes are permitted, where the construction, materials, installation and maintenance requirements of the By-law are adhered to.
- e. Slopes and basins of draining swales or ditches cannot be filled or altered but existing slopes up to the edge of swale or ditch may be used to accommodate a Boulevard Garden, except Garden Boxes would require a 600 mm setback from the closest edge of swales, basins or ditches.
- f. No Boulevard Garden shall exceed 1000 mm in Maximum Growth Height above the original grade of the Boulevard, except where a more restrictive height is otherwise set-out in this By-law and then that more restrictive limit shall then apply.
- g. No Boulevard Garden, except within a Garden Box, shall raise the existing bed height greater than 25 mm, subject to a Required Set-Back area near Roads, Curbs, sidewalks or driveways, as set out in the By-law.
- h. No Boulevard Garden shall be installed or located as to impede, obstruct, cover or conceal a water shut-off valve, except where herbaceous plant growth may seasonally hide such valve(s) from direct view.
- i. No Boulevard Garden shall be installed or located if it is likely to damage or interfere with existing uses or maintenance infrastructure.
- j. No Boulevard Garden shall alter the original or designed elevation of a Boulevard.
- k. No Boulevard Garden shall alter or remove any existing and City-authorized hardscapes or structures, or City or utility equipment contained within a Boulevard.
- l. No Boulevard Garden shall contain any prohibited local plant listed in Schedule “A” or Schedule “B”, any Noxious Weed within the meaning

of the *Weed Control Act*, R.S.O. 1990, c. W.5, or any Invasive Species within the meaning of the *Invasive Species Act*, S.O. 2015, c. 22.

- m. No Boulevard Garden shall contain any hard or impervious substances, unless they are placed at or below grade of the curb and sidewalk and shall not cover more than 5% of the Boulevard Garden surface area and the remaining 95% shall be Soft Landscape.
- n. No Boulevard Garden shall restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices.

5.2 Every Owner and Owner-Agent shall not plant or maintain plants that exceed 600 mm of the Required Set-Back areas listed below within the distances set out as follows:

- a. 1500 mm set-back radius surrounding hydrants, utility poles, electrical or utility boxes.
- b. 1000 mm set-back radius from the trunk of any City tree.
- c. Within a street corner Sight Triangle.
- d. 600 mm set-back from closest edge of road curb (where curbs exist).
- e. 600 mm set-back from closest edge of road shoulder (where no curb exists).
- f. 600 mm set-back from closest edge of sidewalk.
- g. 600 mm from closest edge driveway.

5.3 Every Owner and Owner-Agent shall not install or maintain a Garden Box on a Boulevard except where it conforms to the following requirements:

- a. Constructed entirely from untreated and finished (planed) wood materials, in a uniform method with straight sides that are vertically plumb.
- b. Shall not exceed 600 mm maximum height from original grade.
- c. Combined height of Garden Box and plant growth shall not exceed 1000 mm maximum total height from original grade or lesser restricted height when required otherwise by the By-law.
- d. Each exterior corner shall have a Recognized Winter Safety Hazard Marker, that has a reflective top, that is securely affixed to each corner and is measured between 915 mm and 1830 mm height from original grade and shall be maintained year-round when the Garden Box is on a Boulevard.

- e. Recognized Winter Safety Hazard Markers shall not exceed 254 mm in diameter or cross-section and shall not be of rock, concrete or made from common steel products such as T-Bars, Re-bars (reinforcing rods) or similar items that could damage maintenance equipment.
- f. Garden Boxes shall not be placed in any Required Set-Back areas set-out elsewhere in the By-law.
- g. Garden Boxes shall only be installed where they can maintain a minimum set-back distance of 600 mm from the closest curb edge (or road shoulder edge) and closest edge of sidewalk and closet edge of driveway and does not otherwise create a potential safety hazard in that location.
- h. Garden Boxes shall maintain a minimum set-back distance of 600 mm from the closest edge of a swale, drainage basin or ditch.
- i. Garden Boxes may, subject to restrictions in item (j) below, be decoratively painted or have stain or preservative applied to external surfaces.
- j. Garden Boxes may display one address identification plate not to exceed 100 mm X 250 mm, but shall not display any other signs, advertising, graphics, images, posters or any other markings that may communicate messages/statements/slogans or political advertising or any graffiti and, any such things must be immediately removed, upon discovery.
- k. Garden Boxes shall be maintained in good repair, free from loose boards or projections or attachments that could create a safety hazard to both pedestrians, animals or vehicular traffic.
- l. Garden Boxes shall only be placed and maintained for use as a Garden Box to grow herbaceous plants and shall not be used for other purpose.

5.4 Every Owner or Owner-Agent shall maintain the original bed-height in the Required Set-Back area within 300 mm to the closest edge of the following: road, road shoulder, curb, sidewalk or driveway.

6. Growing of Edibles or Other Consumables

6.1 The City advises that they cannot provide information on the safety of the use of any Boulevard area soil or any possible content of contaminants or other substances that may be present and could potentially be considered a human risk to health if consumed through the consumption of any plants grown therein. For this reason, it is therefore recommended that Owners and Owner-Agents take any and all prudent examinations, including soils testing, public health literature or professional consultations before

deciding to consume anything from a Boulevard Garden; any consumption of such things is a risk assumed by the grower.

- 6.2 No Boulevard Garden shall contain any plants or fungi (mushrooms) which have potential hallucinogenic properties.
- 6.3 Any pesticide set out in Provincial Legislation, as being prohibited for use in Ontario, is prohibited for use in Boulevard Gardens.

7. Penalties and Enforcement

- 7.1 The City may remediate any contraventions of this By-law, and in all circumstances the costs or losses associated with replacement of a Boulevard Garden shall not be the responsibility of the City.
- 7.2 Any person who fails to comply with any requirement of this By-law is guilty of an offence and shall upon conviction be liable to a penalty as set out in section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

8. Work Order

- 8.1 Where the Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law to do work to correct the contravention.
- 8.2 An Order under subsection 10.1 of this By-law shall set out:
 - a. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b. the work or remedial action required to be done and the date by which the work or remedial action must be done.
- 8.3 An Order under subsection 10.1 of this By-law may require work or remedial action to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 8.4 Any person who fails to comply with an Order issued under subsection 10.1 of this By- law, is guilty of an offence.

9. Stop Work Order

- 9.1 Where the Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law to do work to discontinue the contravening activity.

9.2 An Order under subsection 11.1 of this By-law shall set out:

- a. 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.

9.3 Any person who fails to comply with a stop work Order issued under subsection 11.1 of this By-law is guilty of an offence.

10. Service of Order

- 10.1 An Order may be delivered in person to an Owner, at the address of lands from an Adjacent Boulevard which is subject of the Order or left with an inmate therein that is over the apparent age of eighteen years, or
- 10.2 An Order may be sent via e-mail or text to an e-mail address or phone number that has been supplied for a communication purpose and will be deemed served only when such e-mail or text is acknowledged as being received and is not an autoreply, or
- 10.3 An Order may be sent via registered mail to the last known address supplied to the City's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed, or
- 10.4 An Order may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.
- 10.5 It is an offence for any person other than the Owner to remove, tear down, or interfere with any Notice or Order posted on the property.

11. Where Order to Follow Compliance Action

- 11.1 Where the condition of a Boulevard Garden is such that it does, or is likely to, constitute a safety hazard to the public and/or a health hazard, including from nuisance litter or waste materials, the Officer may institute remedial actions, without first giving an Order, and may pursue cost recovery in the same manner as if an Order had been issued in advance and not complied with.
- 11.2 Where remedial actions are carried out prior to an Order being issued; the Officer shall at the earliest reasonable opportunity, issue and serve the Order on an Owner who is the subject of the Order.

12. Obstruction Prohibited

- 12.1 No person, including an Owner, shall impede, interfere, or obstruct an Officer in the execution of their duties and the inspection of property

required under this By-law, by doing any act or refusing an Officer direction.

- 12.2 No person, including an Owner, shall obstruct an Officer by providing any false or misleading information.
- 12.3 It is an Offence for any person to obstruct an Officer in the discharge of their duties.

13. Remedial Action

- 13.1 If a person fails to do a matter or thing as directed or required by this By-law, including to comply with an Order under this By-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll an Owner's property and collecting them in the same manner as property taxes.
- 13.2 The costs outlined in subsection 15.1 of this By-law shall include any fees and charges imposed by the City in accordance with this By-law in relation to the matters identified therein.
- 13.3 The amount of the costs, including interest, constitutes a lien on the land on the subject Owner upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

14. Exemptions

- 14.1 Nothing in this By-law shall affect:
 - a. Any right or duty of the City with respect to any Highway right of way;
 - b. The application and enforcement of the Weed Control Act, R.S.O. 1990, c. W.5, as amended, with respect to noxious weeds.
 - c. The application and enforcement of the Invasive Species Act, S.O. 2015, c. 22, as amended, with respect to invasive species.

15. General Provisions

- 15.1 Should any provision of this By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

16. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 13^h day of January, A.D. 2025 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff
Mayor

Krista Power
City Clerk

Boulevard Garden and Maintenance By-law

Schedule “A” Prohibited Local Plants for Boulevard Gardens

- Canada thistle (*Cirsium arvense*)
- Common buckthorn (*Rhamnus cathartica*)
- Glossy buckthorn (*Frangula alnus*)
- Dog-strangling vine, also known as black swallowwort and pale swallowwort (*Cynanchum rossicum*; *Cynanchum louiseae*)
- Garlic mustard (*Alliaria petiolata*)
- Giant hogweed (*Heracleum mantegazzianum*)
- Himalayan Balsam (*Impatiens glanduliflora*)
- Japanese knotweed (*Reynoutria japonica* var. *japonica*)
- Phragmites (*Phragmites australis* subsp. *australis*)
- Poison ivy (*Toxicodendron radicans*)
- Purple loosestrife (*Lythrum salicaria*)
- Ragweed (*Ambrosia artemisiifolia*)
- Any member of the Family Cannabaceae (Includes *Cannabis Sativa*)

Boulevard Garden and Maintenance By-law

Schedule “B” Prohibited Auditor Generals List – Unregulated Invasive Plant Species

- Amur maple (*Acer tataricasspginnala*)
- Autumn Olive (*Elaeagnusumbellata*)
- Common buckthorn (*Rhamnus cathartica*)
- Creeping jenny (*Lysimachianummularia*)
- Dame’s rocket (*Hesperismatronalis*)
- Daylily (*Hemerocallis fulva*)
- English ivy (*Hedera helix*)
- Garlic mustard (*Alliariapetiolate*)
- Glossy buckthorn (*Frangula alnus*)
- Goutweed (*Aegopodium podagraria*)
- Italian honeysuckle (*Lonicera caprifolium*)
- Japanese barberry (*Berberis japonica*)
- Japanese honeysuckle (*Lonicera japonica*)
- Pachysandra, Japanese spurge (*Pachysandra terminalis*)
- Lily of the valley (*Convallaria majalis*)
- Manitoba maple, box elder (*Acer negundo*)
- Miscanthus, silvergrass (*Miscanthus sacchariflorusand M. sinensis*)
- Multiflora rose (*Rosa multiflora*)
- Norway maple (*Acer platenoides*)
- Oriental bittersweet (*Celastrus orbiculatus*)
- Ornamental honeysuckles including: Tatarian (*Lonicera tatarica*), Amur (*L. maackii*), Morrow (*L. Morrowii*), and Bells(*L.xbella*) honeysuckles.
- Periwinkle (*Vinca minor*)
- Russian olive (*Elaeagnus angustifolia*)
- Sea buckthorn (*Hippophaerhamnoides*)
- Spearmint (*Mentha spicata*)
- Tree-of-heaven (*Ailanthus altissima*)
- White mulberry (*Morus alba*)
- Winged burning bush (*Euonymus alatus*)
- Euonymus, Wintercreeper (*Euonymus fortunei*)
- Yellow archangel (*Lamium galeobdolon*syn*Lamiastrum galeobdolon*)