24-6214

No._____

ORIGINAL

FILED
DEC 24 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

JESSY A. CAMBEL - PETITIONER

vs.

CITY OF CHARLESTON, ILLINOIS, et. al - RESPONDENTS

ON PETITION FORA WRIT OF CERTIORARI TO
SUPREME COURT OF ILLINOIS
PETITION FOR WRIT OF CERTIORARI

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(*Petitioner has a hearing disability. Words spoken on a telephone are not always accurately understood. Petitioner respectfully requests communication by email to ensure mutual understanding)

QUESTIONS PRESENTED:

1. When a person's religion requires them to be a steward of the earth and protector of all of God's creations (i.e. where possible to preserve it and where it is out of balance to return that balance) can they abstain from adherence to a local ordinance which requires landscaping and plant height restrictions that have been proven to destroy the local ecosystem, indigenous insects, animals and birds; pollute the air and water; deplete aquifers; waste water resources; increase flooding and damage the health of their family and neighbors?

2. Will the U.S. Supreme Court concur with the Canadian Superior Court and other nations that recognize landscaping as a form personal expression, as well as an art form, and is therefore protected free speech

3. When a municipality allows grasses up to 10 feet tall and poisonous weeds on public land, city parks and public buildings while fining some people and not others for having these same plants and tall grasses is this a violation of the rights of equal enforcement?

4. Who decides what constitutes a weed or nuisance plant? If the property owner enjoys indigenous North American species of flowers, grasses and plants purchased at any of the thousands of commercial and retail outlets, can a municipality, based upon the decision of one city employee or complaint of a neighbor, destroy, limit, prohibit or force a person to pay a fine without proving that such landscape does any harm or that there is a compelling government interest?

5. Does mowing, a prohibition and/or height restrictions on plants in a native plant landscape constitute a "taking" of person's property? Does this forced mowing and/or plant height restrictions deprive a person of their right to full use and enjoyment of their property?

6. There is a conflict between the Illinois 4th District Appellate Court which ruled that ordinances using undefined terms such as "weed", "grass", "noxious", are too vague and the failure to define the or impose any standards renders the ordinance an unlawful delegation of legislative authority. The guidelines of the Illinois Municipal Authority also cautioned not to use these vague terms as the courts would over turn the ordinance. However the 5th District Appellate Court ruled that these terms were not subjective and vague. Which is true?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

NONE

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the 5TH JUDICIAL CIRCUIT CHARLESTON IL court appears at Appendix C to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was 02/23/2024
A copy of that decision appears at Appendix B.

[X] A timely petition for rehearing was thereafter denied on the following date: 09/25/2024, and a copy of the order denying rehearing appears at Appendix A.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

United States Constitution, Amendment XIV:
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(765 ILCS 167/) Homeowner's Native Landscaping Act. (765 ILCS 167/1)
Sec. 1. Short title. This Act may be cited as the Homeowners' Native Landscaping Act. (Source: P.A. 103-704, eff. 7-19-24.)

(765 ILCS 167/5)
Sec. 5. Definitions. As used in this Act unless the context otherwise requires:
"Illinois native species" means trees, shrubs, vines, ferns, flowers, forbs, sedges, grasses, and other plants growing in the State of Illinois before European settlement or as otherwise defined by rule by the Department of Natural Resources. "Illinois native species" does not include exotic or noxious weeds regulated under the Illinois Noxious Weed Law or the Illinois Exotic Weed Act.
"Native landscape" means an intentionally maintained area of trees, shrubs, vines, ferns, flowers, forbs, sedges, grasses, and other plants composed mainly of Illinois native species. "Native landscape" does not include exotic or noxious weeds regulated under the Illinois Noxious Weed Law or the Illinois Exotic Weed Act.
"Association" has the meaning set forth in subsection (o) of Section 2 of the Condominium Property Act or Section 1-5 of the Common Interest Community Association Act, as applicable.
(Source: P.A. 103-704, eff. 7-19-24.)

(765 ILCS 167/10)
Sec. 10. No prohibition on native landscapes.

(a) An Association shall not prohibit any resident or owner from planting or growing Illinois native species on the resident's or owner's lawn so long as the area is maintained predominantly free of weeds, invasive species, and trash, and vegetation does not extend over or onto neighboring properties, public or common sidewalks, pathways, streets or other public or common areas or elements, and does not interfere with traffic or utilities.

(b) An Association may adopt reasonable rules and regulations governing a planned, intentional, and maintained native landscape that do not impair the native landscape's proper maintenance and care or impose height restrictions.

(c) This Section shall not apply to common areas or elements or to other property owned by the Association or other owners in which the resident or owner does not have authority to landscape or plant.
(Source: P.A. 103-704, eff. 7-19-24.)

(765 ILCS 167/99) Sec. 99. Effective date. This Act takes effect upon becoming law.
(Source: P.A. 103-704, eff. 7-19-24.)

City of Charleston Ordinance:
4-6-1 WEEDS AND OTHER MATTER:
A. Controlled: Except as provided in subsection B of this section, no owner and no person in control of any lot, place or area within the city and no agent of such owner or person in control, shall permit on such lot, place or area or upon any abutting area between the right of way line/property line and street surface or pavement any weeds or grass over eight inches (8") in height, or deleterious unhealthful growths or other noxious matter that my be growing, lying or located thereon.

B. Exemptions: the following are generally exempted from the provisions of this chapter:

1. Lands zoned agricultural as designated in title 10 of this code and shown on the official zoning map of the city unless used for nonagricultural purposes. For purposes of this subsection "agricultural use" shall be construed to mean vacant land or the production of products such as field crops, livestock, fowl and other conventional agricultural pursuits; and

2. Lands in any zoning district(s) which are being used for agricultural purposes. Provided, however that the portions of those lands exempted by this subsection which are within twenty feet (20') of the property line of adjacent lands used for nonagricultural or nonforestry purposes (for example, church, school, store, factory,

house, apartment building,, office, etc.) shall not be exempted from the provisions of this chapter (Ord. 08-O-19, 7-15-2008).

STATEMENT OF THE CASE

Petitioner, J. Cambel, purchased an historic house built in 1886 in Charleston, Illinois on March 6, 2021 for $20,000. In the prior 40 years Cambel has purchased several homes in Illinois in similar condition and made them her primary residence while restoring. All of her homes were landscaped using native plants and gardens with permaculture and edible landscape. All the homes she lived in, properties she managed or restored were landscaped using mostly native natural landscape designs.

In those 40 years working with multiple city inspectors Cambel had never been issued a citation regarding her landscaping. And every other municipality with whom Cambel worked had provided advice, help and whatever time was necessary to complete the restoration.

The city of Charleston was the first city to refuse to grant adequate time to restore the home, do a building inspection to determine if there were any code violations by the previous owner or have a fire marshal do a walk-through to determine if there were any potential fire hazards that need to be corrected.

The house was vacant with broken windows, a yard filled with broken glass, nails and abandoned tools throughout the property.

Prior to purchasing the house Cambel had done a survey of the homes and property in the 8 block area around the house. Within this 8 block area were several large lots filled with plants and grasses with a heights of 3 feet and as tall as 10 feet on both public and private land.

Many gardens in the City contained flowers such as hydrangea, foxglove, and lily of the valley and invasive non-native species such as Japanese honeysuckle, buckthorn, bush honeysuckle, burning bush, and autumn olive which are poisonous.

A decorative grass, Pampas Grass, which grows to heights of 12 feet was growing in the city park, in the medians and in the yards of numerous homes.

As part of the restoration process Cambel had designed and was beginning to create a permaculture landscape of North American species and removal of most nonnative species focusing on historic landscaping. A landscape restoration is a multi-year process that requires patience and time to discern what the previous owners had planted, which plants are annuals, which are perennials, which are bi-annuals, what bulbs are planted and remove any invasive or poisonous plants.

Just shortly after occupying the house a yard sign was placed on the lawn stating that there was a violation of the city's weed and grass ordinance and that property must

be mowed with two weeks or fines of up to $750/day could be imposed and further fines for removal of the sign.

Cambel wrote to the City regarding the ordinance, the condition of the property which made mowing hazardous, that she was 72 years old and disabled with PTSI and chronic fatigue syndrome. Because of this disabilities the restoration would be slower, and that a cost-effective and safe landscape restoration is a multi-year process and is impossible to do in a few weeks.

Cambel received no response from her letter and the city issued a citation.

At the administrative hearing the adjudicator ruled that he could not consider anything other than whether the ordinance had been violated and all the issues raised at the hearing could only be decided by the circuit court in a request for administrative review.

Cambel filed the Request for Administrative review on July 22, 2021. The clerk did not assign the case to a judge for over a year. The first hearing was held on August 31, 2022.

At that hearing petitioner asked the court for permission to file an Amended Complaint because in the year between the filing of the request for an Administrative Review the city had engaged unrelenting harassment of petitioner and destruction of petitioner's landscape. Also that the city property surrounded Cambel's home was filled with poisonous weeds and grasses as tall as 3 feet violating the City's Ordinance.

The court granted petitioner the right to file and Amended Complaint as noted on C 217 of the Record.

The clerk, however, did not include a transcript of this hearing in the Record filed with the 5th District Appellate Court and it was not considered by the Appellate Court.

The Circuit Court decided the case on December 29, 2022 but instead of sending the order via the mandated Illinois efiling system, the court directed the Clerk to mail the Order and the Clerk mailed it four days later on arrived on January 3, 2023.

Petitioner filed a Notice of Appeal on January 27, 2023.

The Appellate Court denied the Appeal on February 23, 2024.

Petitioner filed a Petition for Leave to Appeal to the Supreme Court of Illinois. The Supreme Court of Illinois denied the appeal on September 252, 2024 and issued it to the Appellate Court on 10/20/2024.

REASONS FOR GRANTING THE PETITION

More and more people are beginning to admit and recognize the negative affects of global warming.

There is a growing religious and secular movement to live in a more sustainable way, including restoration of a healthier and balanced ecosystem at home. (*As Natural Landscaping Takes Root We Must Weed Out the Bad Laws - How Natural Landscaping and Leopold's Land Ethic Collide with Unenlightened Weed Laws and What Must Be Done about It,* 26 J. Marshall L. Rev. 865 (1993). Why You Should Replace Your Lawn with Native Plants, Sunset Magazine, August, 2024).

More laws are enacted each year allowing for native plant landscaping (Homeowner's Native Landscaping Act. (765 ILCS 167/1), Illinois Garden Act (505 ILCS 87)) but these laws vary widely throughout the nation.

Every year there is growing demand by homeowners to replace lawns with a healthier, less labor intensive and cheaper native plant landscaping. This has led to a significant increase in both commercial growers, nurseries and retail outlets to fill this demand for indigenous plants, including grasses.

But this new industry and homeowners faces significant challenges because of local ordinances. Homeowners can be subject to unregulated fines of up to $750/day and the destruction of a native plant landscape on which they may have spent thousands of dollars and countless hours.

Although many cities have removed or rewritten vague, longstanding and out-of date weed and grass ordinances, there are many who have not. There are hundreds of conflicting rulings throughout the United States about these ordinances and whether they violate a person's constitutional rights. And there is no common standard on which a homeowner, or natural landscape businesses can rely.

This case is about setting a standard requiring that any ordinance restricting a homeowners religious, free speech and property rights must prove a compelling government interest based on objective facts rather than the subjective aesthetics and preferences of a lawmaker or beaurucrat largely based on the preferences of the last century or urban myths and junk science.

Most of these ordinances are obsessed with height of the grass or what a city employee thinks is a grass around a persons' home and demand it's destruction or limitation of it's height. The reasoning frequently used, as it was in petitioner's case, is that grass over 8" is a "visual blight . . reducing the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property values."

It places the decision as to whether something is beautiful or offensive in the hands of a lawmaker or city employee rather than the property owner. If the property owner, landscaper or thousand of other people find a natural landscape beautiful - one city employee or neighbor who doesn't like the "look" of a yard can have it destroyed and the homeowner fined.

Whether a plant is a weed or a nuisance is not determined by the homeowner, horticulturalist, botanist, grower, landscaper or any state authority but is determined by the subjective decision of a city employee.

The First Amendment requires government to have a powerful, clearly articulated justification for a regulation with clear standards for everyone, and be procedurally fair. *Nemhauser v. City of Mount Dora,* 5:18-cv-00087. But what constitutes a weed, nuisance or visual blight is entirely subjective without providing any compelling objective fact-based government interest.

There are hundreds of studies that show the benefits of tall grasses and native plant landscaping and how it increases property values while restoring damage caused by lawns and their cultivation. There are also many studies that show mowing grasses and invasive nonnative plants does serious harm to the environment and health of people.

Compelling Government Interest.

What is the compelling government interest in forcing a homeowner to comply with destructive landscaping responsible for the decimation of native species and plants, increases in air and water pollution; that is unhealthy and directly linked to increases in asthma and cancer, while prohibiting a native plant landscape that has been shown to increase positive mental and physical health and increase property values?

Is it in the government's interest to ignore the last 40 years of study and research that shows that weed and grass ordinances such as the one in questions are an ecological disaster and cause real and measurable harm to everyone in the community and the nation?

These ordinances which choose one type of expensive, unnatural landscaping of clipped, mowed and tamed yards, while allowing invasive poisonous plants as legal and preferable. Those who prefer the beauty of native plants and God's messy/delightfully ever-changing landscape are punished with unregulated fines and forced to participate in destruction of habitat and degradation of the ecosystem and contribute to pollution and global warming.

2. Conflicts between Illinois 4th Appellate District and the 5th Appellate District on Vagueness.

Although both the Illinois Municipal Authority and the Illinois 4th District Appellate Court stated that an ordinance must be specific and using generic terms as "weed", "grass" or "poisonous" were too vague and would/should be overturned. The Appellate 5th District ruled differently.

The 5th District Appellate court stated that the city had the right to make an ordinance - which of course it does. It does not have the right to make a vague ordinance with generic and undefined terms in which one city official determines what is a weed, or which grass or which poisonous plant falls under the ordinance rather than a recognized specialist or state statute which defines and lists noxious, poisonous and destructive plants.

There are over 11,000 species of grass - and not all of them look like grass. Broom corn, corn, barley, rye, wheat, oats, millets, sorghums, maize and tef are all grass species and under the Ordinance cannot be higher than 8". Yet there never has been a citation issued requiring a home gardener to cut their corn to 8" - which is required if this ordinance is equally enforced.

There has never been a citation issued to cut 12 ft high pampas grass which is planted in Charleston's city property and home landscapes throughout Charleston to 8" - but is required by the ordinance when it is equally enforced.

There are over 2,000 species of sedges - which are not grass - but look like grass and are not weeds so they do not fall under the ordinance. But if one city official thinks they are grass the city will destroy these expensive native plants just because it looks like grass.

There are many poisonous (noxious, unhealthy) flowers that you can buy at Home Depot, Lowes or online, such as: oleander, foxglove, hydrangea, rhododendron, angel's trumpets, nicotinia, lilies, daffodils, and azaleas. The ordinance forbids these plants and yet there has never been a citation issued requiring a homeowner to remove this plants. But they do - in fact - violate this ordinance.

3. Religion and Earth Stewardship

There is a growing religious movement with hundreds of religions and millions of religious people whose faith requires them be stewards of all God's creations and that protecting and restoring the earth and all native species is one of the tenants of their religion.

There are many religious initiatives such as the United Nations Environment Faith and Earth initiative, Evangelical Environmental Network, Green Faith, Operation Noah dedicated to environmental justice and restoration of the environment.

The belief that "Nature is God" is a common belief. From Leonardo DaVinci to Frank Lloyd Wright throughout the centuries the greatest minds, artists, architects, landscapers and scientists consider nature, a world of endless wonder and discovery, to be the manifestation of God.

As explained by the United Nations in it's Religion and Environmental Programs, many religions: Christian, Islam, Baha'i Judaism, Shinto, Taoist, Jainism, Quaker, Hinduism, Buddhism, paganism, animism, Wicca, and druidism, believe that being a steward of all of God's creations is common practice of the faithful. They believe that there must be a balance between man and nature. That the faithful are called to preserve the land as we found it and where it is out of balance to return that balance.

The UN Environment Programme offers more than 15,000 items, from real-time data tools and platforms to key reports, publications, fact sheets, interactives about climate change and the need for environmental restoration.

Just because the circuit court and appellate court did not acknowledge petitioner's faith does not mean it does not exist and that the religious freedom guaranteed by the constitution to millions like petitioner can be denied.

This ordinance places a burden on petitioner preventing her from creating a restorative ecologically balanced home landscape. It places an unnecessary burden on petitioner to ignore her faith and engage in harmful landscaping which is destructive to the environment. The ordinance and its enforcement does not meet the standard of compelling government interest are required by Gonzales v. O Centro Espírita Beneficente União do Vegetal, 546 U.S. 418 (2006) which requires that the government "demonstrat[e] that application of the burden to the person—(1) is in furtherance of a compelling government interest; and (2) is the **least restrictive** means of furthering that compelling governmental interest."

Although the court has given businesses' freedom to abstain from using their creative choices based upon religious beliefs - many cities deny this freedom to homeowners and landscape artists. (Creative LLC v. Elenis 21-476 303 (06/30/2023).

Petitioner's landscape design and restoration was her original artwork using a living growing medium - and infinitely changing performance art. The performers are the plants, birds, bees, flowers and butterflies.

4. Freedom of Speech

The Appellate Court cites a case denying petitioner's freedom of speech using *City of Chicago v. Pooh Bah Enterprises, Inc.* 224 Ill. 2d 390 406-07 (2006) which is about whether the nudity of a strip club in Chicago is protected free speech. But Pooh Bah did not argue that dancing was a form of artistic expression and that nudity was part of that artistic expression. Nudity when used in an "acceptable" recognized art form such as a Broadway play, television show, movie or a Maplethorpe exhibit at a museum has been held to be protected free speech.

The Appellate court uses *Johnson,* 491 at 404 which requires "a great likelihood that the message be understood". The flaw in this argument is that is does not address who has to understand the message. If a message is sent in Navaho and the person doesn't speak Navaho does the sender lose all free speech rights under the 1st Amendment? What if it's in morse code, shorthand, or the language of flowers? All of these are languages that some people will understand but certainly not all. If only one person understands that message is that enough? If not, how many people are required?

Upholding these arguments is actually a limiting of speech by transferring the right of free speech to the receiver/observer/court rather than the sender/creator which is the opposite of every other ruling by the courts in regards to artistic expression. Previous rulings regarding art as speech have placed the determination and protections on the person creating the speech/art (Bleistein v. Donaldson Lithographing Co., 188 U.S. 239 (1903)) and not some obscure unknown person or persons not conversant in the artistic medium or language and unable to understand or comprehend the message because of lack of knowledge or bias.

Landscaping has been recognized throughout history as an art form and should enjoy the same protections. It has been a globally recognized art form since the Hanging Gardens of Babylon. The Superior Court of Canada has validated it as a legitimate form of self expression and protected speech (Sandra Bell v. City of Toronto, 1996 O.J. No. 3146). Even though every college landscape course and certification and even the Encyclopedia Britannica refer to landscape design as a combination of art and science both the circuit and appellate court refused to acknowledge landscaping as an art form that uses a living media.

Lawn landscaping has sent a very clear message since it's origins in Europe centuries ago. Lawn landscaping at palaces and the landed gentry was a very clear message of the wealth, power and status of the land owner.

In the U.S. a photograph or painting of a natural, native plant landscape will hang in a museum and is considered art but the actual landscape and subject of the painting or photograph has somehow been denied this recognition by the courts. This denial of the obvious negatively affects millions of people throughout the U.S. who are landscape designers, commercial growers of native wild flowers and grasses, and many other businesses and homeowners.

Whether the plants or seeds that have been grown, shipped and planted will conflict with a vague city ordinance and destroyed because of one city officials decision can cause a business or homeowner significant financial losses.

5. Common Law - Property Rights.

Individuals are independent or free to the extent that they have sole or exclusive dominion over what they hold.

Common law limits the right of free use only when a use encroaches on the property rights of others. This right of sole dominion, or a right of quiet enjoyment, or the right of active use can only be limited when such use violates the rights of others to the same uses of quiet enjoyment or active use.

Property signifies not only the underlying estate but all legitimate uses that by right can be made of it, and any government action that takes any one of those uses or rights is, by definition, a taking — requiring compensation for any financial losses the owner may suffer as a result.[1]

a. Quiet Enjoyment.

Gas-powered lawn mowers' noise ranges from 82 to 90 decibels; Gas-powered leaf blowers from 80 to 92; Weed whackers - 96 dcb; Hedge trimmers -103 dcbs. According to the CDC, noise above 70 decibels may start to damage hearing and makes a person annoyed and irritable.[2]

Requiring Cambel to mow prohibits her quiet enjoyment of her property and damage to her hearing.

b. Active Use.

Cambel has always used her property as a source of relaxation, for growing a major portion of the food that she eats, a source material for some of her art (growing plants for natural dyes), a classroom of constant learning, and inspiration.

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[1] 2017 Cato Handbook for Policy Makers, 16. Property Rights and the Constitution, Roger Pilon

[2] Loud Noise Can Cause Hearing Loss, November 8, 2022, National Center for Environmental Health

Mowing and cutting plants to 8 inches would deprive her of the active use of her property.

C. Environmental Degradation

Under common law people cannot use their property in ways that damage their neighbors' property. By forcing Cambel to mow and grow plants and grasses no taller than 8 inches the City would be forcing Cambel to degrade her property and those of her neighbors.

i. Environmental Damage of Mowing

There is considerable environmental damage that occurs to a neighbor's property from mowing. There is flooding, higher cancer rates, increased lung disease and asthma related illnesses and pollution.

Native gardening advocate Sara Stein whose books are equated with those of Rachel Carson's *Silent Spring* provided one of the best examples of the consequences of mowing: Cutting grass regularly—preventing it from reaching up and flowering — forces it to sprout still more blades, more rhizomes, more roots, to become an ever more impenetrable mat. The perfect lawn is the perfect sealant through which nothing else can grow—and the perfect antithesis of an ecological system. Little water can penetrate or be absorbed by soil increasing flooding and run off filled with pollutants.[3]

According to University of Florida ecology and conservation professor Mark Hostetler, ". . .no hyperbole: Producing no seeds, nectar, or fruit, few creatures can use can use lawns as habitat. Biodiversity-wise "it's almost like concrete" [4]

ii. Economic Harm of Mowing

One study found that in urban areas, native plants that many consider "weeds", are the most popular food sources for pollinators. These native plants are especially helpful for native pollinators—which contribute, even by the most conservative estimates, $3.44 billion dollars to our economy, and which are vastly more threatened than honeybees. A study conducted in southeastern Pennsylvania found that native plants also increased butterfly and bird populations in urban areas by around four and eightfold, respectively.

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[3] Noah's Garden: Restoring the Ecology of Our Own Backyards, Sarah Bonnet Stein, April 21, 1993

[4] Lawns Are an Ecological Disaster, TreeFresno.org, Sept 16, 2008

CONCLUSION

The petition for a writ of certiorari should be granted:

Respectfully submitted,

Jessy A. Cambel

Date: December 24, 2024