



AGENDA  
CITY OF STURGEON BAY  
NATURAL LAWN AD HOC COMMITTEE  
Monday, February 20, 2023  
Council Chambers, City Hall, 421 Michigan Street  
10:00 A.M.

1. Roll Call
2. Adoption of Agenda
3. Consideration of approving changes to ordinance for natural lawns.
4. Consideration of approving newly created application for registration of a natural lawn.
5. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Notice is hereby given that if a quorum of one of the committees is not present, the committee with a quorum may meet and act upon the agenda subjects.

POSTED

Time: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Natural Lawn Ad Hoc Committee Members:

Mike Barker, Chair

Mark Holey

Cathy Grier

Nick Lutzke

Karen Newbern

### 32.04 Definitions.

For the purpose of this chapter, the following words and phrases will be defined as follows:

- (1) *Accessory structure.* A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (2) *Basement.* That portion of a building, the floor line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four feet above lot grade.
- (3) *Building.* A combination of materials to form a construction adapted to permanent or temporary use for residence, business or storage.
- (4) *Deterioration.* The condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.
- (5) *Dwelling.* Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (6) *Extermination.* The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health commissioner or county health department.
- (7) *Fence.* An independent structure forming a barrier at grade or between lots, between a lot and a street or an alley, or between portions of a lot or lots and includes a wall or lattice work screen but excludes a hedge or natural growth, or a barrier of less than eighteen inches in height which is used to protect plant growth.
- (8) *Garbage.* Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.
- (9) *Infestation.* The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
- (10) *Junk.* Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An un-licensed motor vehicle, at the discretion of local law enforcement officers, may be construed to be a junked motor vehicle.
- (11) *Lawn.* An area within the property that is planted in turf grasses and is kept mowed.
- (12) *Natural Landscape.* An area that would typically be planted in turf grasses but is planted in natural and or native grasses, plants, edible plants, or ground cover which may exceed the maximum height outlined in this chapter. The term natural lawn can be substituted for natural landscape throughout this ordinance
- (13) *Nuisance.*
  - (a) Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the State of Wisconsin, or in the ordinances of the City of Sturgeon Bay.
  - (b) Any attractive nuisance which may prove detrimental to the health or safety of children in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak sumac, which may prove a hazard for inquisitive minors.
- (14) *Occupant.* Any person occupying or having use of a building, structure or premise or any part thereof.

- (15) *Operator*. Operators shall mean any person who has charge, care or control of a building, structure or premise or a part thereof.
- (16) *Owner*. Any person who alone, jointly, or severally with others, shall hold title to a building, structure or premise, or who shall be in actual possession of, or have charge, care or control of a building, structure or premises as an employee or agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder. For purposes of providing notice under this chapter, the city may rely on the presumption that the owner is the person or persons designated on the tax roll with respect to the premises.
- (17) *Person*. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations. The word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
- (18) *Premises*. When used herein, the word "premises" shall include land, buildings, structures or any part thereof.
- (19) *Refuse*. All solid waste (except body waste) including but not limited to: garbage, rubbish, ashes, street cleanings, abandoned, nonlicensed or inoperable motor vehicles and solid market and industrial wastes.
- (20) *Repair*. To restore to a state of operation, serviceability or appearance in conformity with this chapter.
- (21) *Replace*. To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.
- (22) *Rubbish*. Rubbish is the miscellaneous waste material, combustible and noncombustible, resulting from housekeeping and ordinary mercantile enterprises, and includes but is not limited to boxes, cartons, excelsior, paper ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.
- (23) *Structure*. Anything construed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence free standing wall, sign or other advertising medium, whether detached or projecting.
- (24) *Substandard*. All buildings which do not conform to the minimum standards established by this chapter and by any other provisions of this Code or Ordinances or by the State of Wisconsin Administrative Code.
- (25) *Weathering*. Deterioration, decay, or damage by exposure to the elements.
- (26) *Yard*. An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line, and/or street line.

(Ord. No. 1109-1003, § 1, 10-21-03)

### **32.05 Compliance is responsibility of owners and operators.**

- (1) Each owner of land, buildings and structures (collectively, "premises") shall have an independent responsibility for compliance. All owners shall be jointly and severally responsible for performance of the duties and obligations prescribed in this chapter. No owner shall be relieved from any such duty or obligation because another person is also responsible for performance of such duty or obligation. No owner shall be relieved from liability under this chapter because said person has contracted said responsibility to an operator or other person.
- (2) Operator(s) of land, buildings and structures (collectively, "premises") in the City shall also have responsibility for compliance. Operator(s) shall be jointly and severally responsible with owner(s) for performance of the duties and obligations prescribed in this chapter.

(Ord. No. 1109-1003, § 1, 10-21-03)

### **32.06 Duties and responsibilities of owners and operators.**

- (1) *Maintenance and appearance of exterior of buildings and structures.*
  - (a) The exterior of buildings and structures shall be free of all nuisances, unsanitary conditions, and hazards to the safety of occupants, pedestrians and other persons utilizing premises.
  - (b) The exterior appearance of all buildings and structures shall reflect a level of maintenance in keeping with the standards of the neighborhood, and shall not constitute a blighting factor or an element leading to the progressive deterioration of the neighborhood.
  - (c) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of fallings, and the same shall be kept structurally sound, in good repair and free of defects.
  - (d) The exterior of every building and structure, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted as necessary for purposes of preservation and appearance. Buildings and structures shall be maintained free of broken, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.
  - (e) Every dwelling and accessory structure, exterior walls, siding and roofs shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards and shall be so maintained as to be weather and watertight.
  - (f) Every building and structure on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation, and shall not permit the entrance of such rats, mice, termites, and other vermin. Owners and operators shall be responsible for the extermination of such vermin from that part of the premises under their exclusive control.
  - (g) Every building shall have adequate refuse, garbage or rubbish storage facilities, no owner or operator shall allow occupant to accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents, or vermin.
- (2) *Maintenance and appearance of land.*
  - (a) The land surrounding the buildings and structures shall be kept free of hazards and clear of debris including, but not limited to, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse, old tires, and junk. The sole exception is where said debris has been properly placed for pickup by the city's waste disposal contractor, or other permitted outdoor storage pursuant to chapter 20 of the Municipal Code.
  - (b) Yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatment common in the Sturgeon Bay area unless areas are designated a natural landscape. Natural landscaped areas shall comply with section (3) of this chapter. Yards shall be trimmed to maintain a neat appearance. Turf lawns allowed to grow ten inches or taller shall be considered overgrown and in violation of this chapter. Any temporarily exposed areas shall be treated to prevent dust or the blowing or scattering of dust particles.
  - (c) Every yard, court, driveway or other portion of the land shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

(3) *Natural Landscape*

- (a) No registration required. Any owner of record of a property, may implement a planned natural landscaping area on their property up to 25% of front and side yard, and 50% of the back yard without registration or approval from the Weed Commissioner.
- (b) Registration required. Any owner of record of a property, may implement a planned natural landscaping area on their property up to 50% of front and side yard and 75% of the back yard upon approved registration with the Weed Commissioner. Registration shall include the following information:
  - 1. Natural landscapes must be registered and approved through the City's Municipal Services Director prior to the natural lawn being installed. The registration application form is on the City's website and is available in the Municipal Services office.
  - 2. A plan of the property drawn to scale, indicating the location of all property boundaries, structures, sidewalks, driveways, and roadways, and the boundaries of the proposed planned natural landscaping area. No boundary survey is required. Property boundaries and other information may be indicated on an aerial photograph or other suitable and readily available base map.
  - 3. A clear description, illustration, or photograph of the type(s) of edging proposed, including materials, height, and proposed placement. A raised edging is not required. A shoveled edge maintained by mowing and/or trimming is acceptable.
  - 4. A planting plan indicating the plant species and/or seed mixes to be used.
  - 5. Any proposed change in grade or excavation required beyond standard excavation and soil replacement for establishment of the planned natural landscaping area.
- (c) Natural landscaped areas must adhere to the following standards:
  - 1. Types of plantings:
    - a) Plantings may include forbs, grasses, edible plants, shrubs, or trees
    - b) Plantings may be designed as rain gardens with plantings and grading specifically designed to receive and infiltrate rainwater or clear water flows.
    - c) Plantings shall be deliberately selected and arranged as part of a coherent overall plan. Overgrowth of conventional turf grasses or weeds, or any other unmanaged vegetation growth, shall not constitute a planned natural landscaping area.
    - d) No species listed on the Wisconsin Department of Natural Resources' Regulated Invasive Plants list, whether designated as Prohibited or Restricted, shall be permitted.
    - e) Edging required. A planned natural landscape area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing up to three feet in height, a permitted fence installed along a property line, or natural materials neatly arranged to create the appearance of an edge to contain the planned natural landscape.
    - f) Plant height at maturity. Plant height shall be maintained at the appropriate maximum height at maturity for the specific species. University of Wisconsin Horticulture, Division of Extension shall be consulted in the event of dispute as to the appropriate maximum height for a particular plant.
- (d) Location and maximum areas:
  - 1. The natural landscaped area located in the front and/or side yard(s) is limited in size to less than fifty percent (50%) of the total square footage of the front and side yards.
  - 2. The natural landscaped area located in the back yard or setback behind the rear plane of the principal building is limited in size to less than seventy-five (75%) of the back yard area.
  - 3. A minimum distance of six feet (6') from streets, public sidewalks, shared driveways and fire hydrants.
  - 4. Planned natural landscaping areas are strictly prohibited within City right of way.
  - 5. Natural landscape areas shall not obstruct the vision triangle at intersection as outlined in Chapter 11.02(4)(v)2.

(e) Review and enforcement.

1. The City may at any time determine that a planned natural landscaping area violates the terms of this section. If this determination is made, the Weed Commissioner will notify the property owner in writing of the violation and give the property owner twenty-one (21) days to make corrections. The property owner will be required to contact the Weed Commissioner within ten (10) days to discuss the plan to correct the violation. If the Weed Commissioner finds an ongoing violation of the terms and conditions of the registered plan (fails to correct issues after notification), or if the Weed Commissioner determines that the planned natural landscaped area is harboring vermin or other pests.
2. Noncompliance. In the event of noncompliance with the citation, the Weed Commissioner may cause the premises to be mowed, or otherwise maintained and shall report the cost thereof in writing to the clerk-treasurer. This cost shall be entered on the tax roll as a special tax to be collected in the same manner as other taxes. If noncompliance continues, the Community Protection and Services Committee may order the revocation of the registration of the natural landscaped area.
3. Appeal.
  - a) Appeals may be made by submitting a letter in writing to the City Clerk asking for this issue to be reviewed by the Common Council.

(f) Natural landscapes larger than described areas. Waivers for natural landscapes beyond the maximize size outlined in 3.(d) of this chapter will be considered on a case by case basis. If a resident would like to apply for a waiver the following steps must be followed.

1. Application for natural landscape. Any owner of land in the City of Sturgeon Bay may apply for approval of a land management plan for a natural landscape, one where grasses exceed the inches in height and are of a size larger than outlined in 3.(d) of this chapter, with the City Clerk. Approvals, conditional approvals or denials of the land management plan shall be by majority of the community protection and services committee.
  - a) Land management plan means a written plan relating to management of the landscaped area which contains a description of the area of the lawn upon which the ground covering will exceed ten inches in height, a statement of intent and purpose for said area, a general description of the vegetation types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The land management must include provisions for maintaining areas within the setbacks as outlined in 3.(d) of this chapter.
  - b) *Revocation of the land management plan.* The land management plan may be revoked for failure to comply with the general requirements of this chapter, solely as modified by an approved land management plan. Notice of intent to revoke a land management plan may be issued by majority vote of the community protection and services committee. The community protection and services committee's decision may be appealed to the Common Council. All applications for appeal shall be submitted to the City Clerk's office within 15 days of notice of intent to revoke a land management plan, or the right of appeal shall be deemed waived.
  - c) *Application requirements.* Each application for a land management plan shall be on an application form provided by the city clerk. A copy of the application shall be mailed by the city clerk or given personally by the city clerk to each of the owners of record, as listed in the office of the city assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of, the properties affected. The city clerk shall certify that such owners have been duly notified. The notified property owners shall have 15 days from the date of notice to file written objections to the application with the city clerk. Following said 15-day period, the city clerk shall refer the application materials and objections, if any, to the community protection and services committee for hearing and decision at the next regularly scheduled community protection and services committee meeting. The applicant and those property owners who filed written objections shall be notified of the meeting. Notice shall be by the city clerk mailing copies of the agenda to said persons no less than five days prior to the meeting. If there is insufficient time to mail such notice, the hearing and decision shall be set over to the next subsequent meeting unless the applicant provides written waivers of notice from the applicant and the objecting property owners.
  - d) *Application for appeal.* The owner or operator of land in the City of Sturgeon Bay may appeal a decision of the board of appeals refusing to grant a land management plan. The fee for appeals shall be set by resolution of the common council. All appeals shall be to the board of appeals which shall hear such appeals as necessary

All applications for appeal shall be submitted within 15 days of notice of denial of the land management plan, or the right of appeal shall be deemed waived.

2. *Application to all premises.* This chapter applies whether or not the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement on the land.
3. (Ord. No. 1109-1003, § 1, 10-21-03)

CITY OF STURGEON BAY  
421 MICHIGAN STREET  
STURGEON BAY, WI 54235  
920-746-2912

APPLICATION FOR REGISTRATION OF A NATURAL LANDSCAPE

\*\* This form is used to apply for a Natural Landscape as outlined in Municipal Code 32.06(3). A copy of the code has been included on subsequent pages. Please call the Weed Commissioner if you have questions concerning this form or the ordinance.

NAME OF APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

EXPLAIN WHY YOU WISH TO USE A NATURAL LAWN INSTEAD OF A GRASS LAWN  
(ATTACH ADDITIONAL SHEET IF NEEDED): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPLICATION MUST CONTAIN THE FOLLOWING:

1. A plan of the property drawn to scale, indicating the location of all property boundaries, structures, sidewalks, driveways, and roadways, and the boundaries of the proposed planned natural landscaping area. **No boundary survey is required.**
2. A clear description, illustration, or photograph of the type(s) of edging proposed.
3. A planting plan indicating the plant species and/or seed mixes to be used.
4. Any proposed change in grade or excavation required beyond standard excavation and soil replacement for establishment of the planned natural landscaping areas.

By signing this application, you are acknowledging you fully understand the process as outlined in Municipal Code 32.06(3).

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Date of Review\_\_\_\_\_

Approved:  Yes  No (see comments below)

Approved by:\_\_\_\_\_

Weed Commissioner

Comments: