



AGENDA
CITY OF STURGEON BAY
NATURAL LAWN AD HOC COMMITTEE
Monday, January 30, 2023
Community Room, City Hall, 421 Michigan Street
10:00 A.M.

1. Roll Call
2. Adoption of Agenda
3. Introductions
4. Discuss purpose of committee.
5. Review and discussion of current ordinances for natural lawns and noxious weeds.
6. Review ordinances from different cities.
7. Identify weak points and discuss improvements to natural lawn ordinance.
8. Discuss using the WI DNR's Native Plants publication NH0936 as a guide to allowable native plants.
9. 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
12:15 PM
1/25/23
CKD

Natural Lawn Ad Hoc Committee Members:
Mike Barker, Chair
Mark Holey
Cathy Grier
Nick Lutzke
Karen Newbern

Current Sturgeon Bay Natural Lawn Ordinance

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) **Except with prior application and approval of a land management plan by the community protection and services committee yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatment common in the Sturgeon Bay area. Yards shall be trimmed to maintain a neat appearance. 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) **Except with prior application to and approval of a land management plan from the community protection and services committee and in additions to acceptable lawn and ground cover, landscaping, plantings and other acceptable decorative treatments common in the Sturgeon Bay area shall be installed in the yard and shall be maintained in accordance with generally accepted landscaping practices in the Sturgeon Bay area. Hedges, bushes and plantings shall be kept trimmed and shall not be allowed to become overgrown and unsightly or allowed to obstruct pedestrians' or vehicles' view.**
- (d) 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.
- (e) **Application for natural lawn. Any owner operator of land in the City of Sturgeon Bay may apply for approval of land management plan for natural lawn, one where the grasses exceed ten inches in height, 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.**

- 1. ***Land management plan* means a written plan relating to management of the lawn which contains a description of the area of the lawn upon which the grass or ground covering will exceed ten inches in height, a statement of intent and purpose for said area a general description of the vegetational types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The**

land management plan must include provisions for cutting at a length no greater than eight to ten inches the terrace area (which is defined as that portion between the sidewalk and the street or a strip not less than four feet, adjacent to the street where there is no sidewalk) and at least a three-foot strip adjacent to neighboring property line unless waived by the abutting property owner on the side so affected.

2. ***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 board of appeals. All applications for appeal shall be submitted within 15 days of notice of intent to revoke a land management plan, or the right of appeal shall be deemed waived.
 3. ***Application requirements.*** Each application for a land management plan shall be on a form provided by the city clerk. The application fee shall be set by resolution of the city council. 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.
 4. ***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.
- (3) ***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.

Current Sturgeon Bay Noxious Weed Ordinance

10.19 Uncut lawns and noxious weeds prohibited.

- (1) *Definition.* "Noxious weeds" as used herein includes the following: Canada thistle, leafy spurge, field bindweed (creeping jenny), ragweed, poison ivy, and invasives on Wisconsin Department of Natural Resources invasive species list.
- (2) *Purpose.* The purpose of this section is to prevent unkept lawns and the problems that noxious weeds present; noxious weeds shall be controlled in part by cutting and/or spraying to prevent blossoming of the noxious weeds and their spread due to blossoming.
- (3) *Prohibited.* No one owning property within the city shall permit any weeds or grasses which cause toxic effects in human beings, emit unpleasant or noxious odors or conceal filthy deposits to grow or pollinate on his/her premises. To prevent such growth and pollination, every owner shall mow or cause to be mowed all grasses or weeds exceeding ten inches in height on premises owned by the individual and on any street right-of-way between the property line and a developed street abutting such premises, except those areas approved under section 32.06(2)(e) as a natural lawn. Where such weeds or grasses cannot be controlled or eradicated by such treatment, the property owner shall spray or cause to be sprayed this growth with chemicals which shall control or eradicate such weeds and grasses. The areas required to be cut or otherwise controlled shall be as follows:
 - (a) A minimum distance of six feet from the edge of streets and public sidewalks. If the lot has a fire hydrant, the grass shall be cut back a distance of six feet beyond the hydrant.
 - (b) A minimum distance of ten feet parallel to property lines of adjoining developed lots, if requested by the owner of the adjoining lot.
 - (c) A minimum of 100 feet from any dwelling, deck or patio on a developed lot or to the property line, whichever is less.
 - (d) Any area containing noxious weeds.
 - (e) At the discretion of the weed commissioner, cutting of additional footage beyond the minimum listed in paragraphs (a) to (c) may be required upon his/her finding that such cutting is necessary to carry out the intent of this section.
 - (f) Upon a favorable recommendation by the weed commissioner, the city council may waive or relax the noxious weed control standards prescribed by this section, except for those standards established by the state, upon a finding that literal enforcement of the noxious weed control standards prescribed by this section is physically impossible or presents an extreme hardship on the owner out of proportion to the problem. The weed commissioner shall note his/her recommendations in the records kept and maintained by him/her and shall also note any relaxed standards which may be approved. These findings and relaxed standards, if any, shall be subject to review and revocation at any time by the city council without a showing of cause or a change in circumstances, and a waiver or relaxation of standards in accordance with this section shall only be effective for one year.
- (4) *Enforcement by weed commissioner: notices.* The weed commissioner shall enforce this section. If any person fails to comply herewith, the commissioner shall, after five days' written notice to the owner, cause the premises to be mowed or sprayed 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. The property owner shall notify the weed commissioner of compliance with the notice; failure to do so within the five-day period renders compliance null and void.

(Code 1992, § 10.19; Ord. No. 1109-1003, § 2, 10-21-03; Ord. No. 1323-0916, § 1, 9-20-16; Ord. No. 1363-0819, 8-6-19)

Madison, WI Ordinance

2. Application for Natural Lawn. Any owner or operator of land in the City of Madison may apply for approval of a land management plan for a natural lawn or natural landscape area, one where the grasses exceed eight (8) inches in height, with the Department of Planning and Community and Economic Development. (Am. by ORD-17-00003, 1-12-17)
3. "Land Management Plan" means a written plan relating to management of the lawn or natural landscape area which contains a legal description of the lawn or natural landscape area upon which the grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn or natural landscape area, a general description of the vegetational types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The management plan must include provisions for cutting at a length not greater than eight (8) inches the terrace area, that portion between the sidewalk and the street or a strip not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three (3) foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected.

All lawn, natural landscape areas, and grass areas shall be cut between June 30 and October 15 when the Fire Chief, in her/his discretion, so orders consistent with his powers as granted in Chapter 34 of the Madison General Ordinances. (Am. by ORD-14-00012, 1-14-14; ORD-17-00003, 1-12-17)

4. Revocation of the Land Management Plan.

The Land Management Plan may be revoked for failure to comply with the requirements of Sec. 27.05(2)(f)2. Notice of intent to revoke a Land Management Plan shall be appealable to the Urban Design Commission. All applications for appeal shall be submitted within fifteen (15) days of Notice of Intent to revoke a Land Management Plan.

5. Application Requirements. Each application for a Land Management Plan shall be on a form provided by the Director of the Department of Planning and Community and Economic Development. A copy of the application shall be mailed by the applicant or given personally by the applicant 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 two hundred (200) feet of the boundaries of the properties affected. The Director of the Department of Planning and Community and Economic Development shall provide the list of the property owners who are to be notified of the application. The applicant shall certify, under oath, on a form to be furnished by the Director of the Department of Planning and Community and Economic Development, that such owners have been duly notified and the manner in which they have been notified. If, within fifteen (15) days of receipt of a copy of the application, at least fifty-one percent (51%) of such property owners file written objections to the application with the Director of the Department of Planning and Community and Economic Development, the Director of the Department of Planning and Community and Economic Development shall refer the application to the Urban Design Commission for hearing and decision.
6. Application for Appeal. The owner or operator of land in the City of Madison may appeal from a decision of the Director of the Department of Planning and Community and Economic Development refusing to grant a Land Management Plan. All appeals shall be to the Urban Design Commission of the City of Madison which shall hear such appeals once a month, March through September. All applications for appeal shall be submitted within fifteen (15) days of notice of denial of the Land Management Plan.

7. Any owner or operator of land in the City of Madison may maintain a natural lawn (hereinafter referred to in this paragraph as "natural landscape area") without going through the Land Management plan, application and approval process described in Secs. 27.05(2)(f)2.-6., provided the natural landscape area meets all of the following criteria:

- a. The natural landscape area located in the front and/or side yard(s) is limited in size to less than twenty-five percent (25%) of the total square footage of the front and side yards.
- b. The natural landscape area located in the backyard or setback behind the rear plane of the principal building is limited in size to less than fifty percent (50%) of the backyard and the street side yard setback behind the rear plane of the principal building.
- c. The natural landscape area must be setback at least five (5) feet away from all property lines, sidewalks, shared driveways or other public right of way areas.
- d. All natural landscape areas shall comply with the vision clearance triangle requirements of Sec. 27.05(2)(bb).

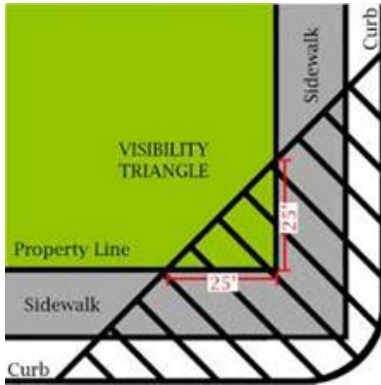
e. Only the following native grasses may be used: Sideoats Grama Grass (*Bouteloua curtipendula*), Tufted Hairgrass (*Deschampsia caespitosa*), Purple Lovegrass (*Eragrostis spectabilis*), Junegrass (*Koeleria macrantha*), Switchgrass (*Panicum virgatum*), Little Bluestem (*Schizachryium scoparium*), Indiangrass (*Sorghastrum nutans*), Prairie Dropseed (*Sporobolus heterolepis*), Pennsylvania Sedge (*Carex pensylvanica*), Running Marsh Sedge (*Carex sartwellii*), Common Bur Sedge (*Carex grayi*), and Silky wild rye (*Elymus villosus*).

Green Bay, WI Natural Lawn Ordinance

Planned natural landscaping areas.

- (1) *Registration required.* Any owner of record of a property, and any tenant upon signed, written consent of the owner of a property, may implement a planned natural landscaping area on their property upon registration with the Department of Public Works. Registration shall include the following information:
 - a. 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.
 - b. A clear description, illustration, or photograph of the type(s) of edging proposed, including materials, height, and proposed placement.
 - c. A planting plan indicating the plant species and/or seed mixes to be used.
 - d. Any proposed change in grade or excavation required beyond standard excavation and soil replacement for establishment of the planned natural landscaping area.
- (2) Planned natural landscaping areas shall adhere to the following standards:
 - a. *Types of plantings.*
 1. Plantings may include forbs, grasses, edible plants, shrubs, or trees.
 2. Plantings may be designed as rain gardens with plantings and grading specifically designed to receive and infiltrate rainwater or clear water flows.
 3. 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.
 4. No species identified on the Wisconsin Department of Natural Resources' Regulated Invasive Plants list, whether designated as Prohibited or Restricted, shall be permitted.
 - b. *Edging required.* A planned natural landscaping area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing of 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 landscaping area.
 - c. *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 a dispute as to the appropriate maximum height for a particular plant.
 - d. *Location and dimensions of the natural planting area.*
 1. Planned natural landscaping areas are strictly prohibited within City rights-of-way and street terraces.
 2. **Setbacks:**
 - i. Three feet from front lot line when adjacent to a public sidewalk and zero feet from front lot line if there is no public sidewalk.
 - ii. Three feet from rear and side lot lines.
 - iii. No setback is required on side and rear lot lines if there is a permitted fence along the lot lines, or if the native landscaping abuts a neighboring planned natural landscaping area public park/open space, or is adjacent to a natural area.
 - iv. The setback area should be regularly cut turf grass, garden beds, trees, shrubs, mulch, wood chips, landscape stone, or other approved material.
 3. Natural planting areas shall not obstruct the visibility triangle at intersections, with the visibility triangle incorporating the area within a triangle formed by the intersection of the street right-of-way lines, as illustrated in Figure 146-1.

Figure 146-1



(3) *Review and enforcement.*

- a. The City may at any time determine that a planned natural landscaping area violates of the terms of this section if the Weed Commissioner finds an ongoing violation of the terms and conditions of the registered Plan, or if the Weed Commissioner determines that the planned natural landscaping area is harboring vermin or other pests. Upon such determination of the Weed Commissioner, a citation shall be issued to the property owner and any tenant who has made application for a planned natural landscaping area.
- b. Appeal.
 1. The subject of the citation may appeal the determination to the Improvement and Services Committee. Any appeal shall be made in writing within ten business days of receipt of the citation and filed with the City Clerk.
 2. The Improvement and Services Committee shall hear any appeal and recommend action to the Common Council, which shall have the authority to affirm, reverse, or modify the Improvement and Services Committee recommendation and issue a final decision.
3. In the event of noncompliance with a citation or Common Council decision upon appeal, the City may enter and cut or otherwise maintain the area subject to the determination, in accordance with the provisions of subsection (d)(4) above.