



A MODEL MUNICIPAL ORDINANCE ENCOURAGING THE USE OF NATIVE PLANTS AND NATIVE PLANT COMMUNITIES AS AN ALTERNATIVE IN URBAN LANDSCAPE DESIGN

The Common Council of the City of _____ do ordain as follows:

SECTION 1. Legislative Purpose: A variety of landscapes adds diversity and richness to the quality of life in _____. There are, nonetheless, reasonable expectations regarding the city's landscapes which, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten the public health and safety. It is therefore in the public interest, and within the purview of this legislation, to provide standards for the development and maintenance of the city's landscapes, whether corporate, private, or public.

WHEREAS, the city recognizes the landowners' interest in having managed turf grass landscapes. At the same time, the city encourages the preservation, restoration, and management of native plant communities and wildlife habitats within the city limits. The city recognizes that the use of wildflowers and other native plants in home, school, corporate, municipal, or other managed landscapes is economical, reduces maintenance, effectively conserves water, soil, and other elements of the natural community. Moreover, landscaping with native plants and the preservation, restoration, and management of native plant communities and wildlife habitats may preclude the introduction of toxic pesticides, herbicides, fertilizers, and other pollutants into the environment.

WHEREAS, the city further acknowledges the need to enjoy and benefit from the variety, beauty, and practical values of natural landscapes, and seeks to guarantee citizens the freedom to employ varying degrees of natural landscaping as viable and desirable alternatives to other conventional modes of landscaping.

WHEREAS, the city seeks to encourage each landowner to create and sustain a condition of ecological stability on his or her land, that is, a state of good health and vigor, as opposed to one of impairment and decline. It is not the intent of this legislation to allow vegetated areas to be unmanaged or overgrown in ways that may adversely affect human health or safety, or pose a threat to agricultural activity.

WHEREAS, it is the express intent of this city that it shall be lawful to grow native plants, including, but not limited to ferns, grasses, forbs, aquatic plants, trees, and shrubs

in a landscape when these plants were obtained not in violation of local, state, or federal laws.

SECTION 2. Definitions: The following terms shall have the stated meanings. (a) Landowner. One who owns or controls land within the city, including the city itself. (b) Turf Grass. Grass commonly used in regularly cut lawns or play areas, such as, but not limited to bluegrass, fescue, and ryegrass blends. (c) Preservation, or Restoration Area. Any lands managed to preserve or restore native Missouri grasses and forbs, native trees, shrubs, wildflowers, and aquatic plants; an oldfield *succession* of native and non-native plants; or, a combination of these. (d) Weeds. The following plant species are defined as “noxious weeds” under Missouri law (Chapter 263 Insect Pests and Weeds, Section 263.190, August 28, 2012): Canada thistle (*Cirsium arvense* L. *Scop.*), Musk thistle (*Carduus nutans* L.), Scotch thistle (*Onopordum acanthium* L.), Common teasel (*Dipsacus fullonum* L.), Cutleaf teasel (*Dipsacus laciniatus* L.), Field bindweed (*Convolvulus arvensis* L.), Kudzu (*Pueraria montana* [Lour.] Merr.), Johnson grass (*Sorghum halepense* L.), Marijuana (*Cannabis sativa* L.), Multiflora rose (*Rosa multiflora* Thunb. ex Murr.), Purple loosestrife (*Lythrum salicaria* L. and any hybrids thereof), Spotted knapweed (*Centaurea stoebe* L., including all subspecies). [for Illinois, replace with the Illinois noxious weed list “under Illinois law (Section 220.60 Noxious Weeds, Illinois): Marihuana (*Cannabis sativa* L.); Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns; Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns; Canada Thistle (*Cirsium arvense*); Perennial Sowthistle (*Sonchus arvensis*); Musk Thistle (*Carduus nutans*); Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and Kudzu (*Pueraria lobata*). (Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)” and for Kansas, replace with “under Kansas law (from Kansas Dept. of Agriculture website, accessed Oct. 18, 2013): Field bindweed (*Convolvulus arvensis*), Musk (nodding) thistle (*Carduus nutans*), Sericea lespedeza (*Lespedeza cuneata*), Russian knapweed (*Centaurea repens*), Hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), Quackgrass (*Agropyron repens*), Leafy spurge (*Euphorbia esula*), Johnsongrass (*Sorghum halepense*), Kudzu (*Pueraria lobata*), Bur ragweed (*Ambrosia grayii*), Pignut (*Hoffmannseggia densiflora*), County Option Weeds: Multiflora rose (*Rosa multiflora*), Bull thistle (*Cirsium vulgare*)”].

Destruction, or Destroy: The complete killing of plants, or effectually preventing such plants from maturing to the bloom or flower stage.

SECTION 3. Landowners’ Rights and Responsibilities: (a) This ordinance shall apply to all landowners. (b) Turf grass shall not to exceed 8 inches. (c) Noxious weeds shall be destroyed by the Landowners on whose land they grow. (d) The City may control turf grass in excess of ___ inches and noxious weeds as set forth in Section 4 below.

SECTION 4. Controls. The city may not damage, remove, burn, or cut vegetation of any landowner for which the city does not have management responsibilities, except following a hearing at which it is established (1) that noxious weeds specifically named

in the landscape ordinance exist in the landscape; or (2) that a condition creating a clear and present hazard to public health or safety exists; or (3) that the condition is a threat to the agricultural economy; or (4) that the conditions of SECTION 3, entitled Landowners' Rights and Responsibilities, have not been met. A court order under these subsections shall provide that the destruction, cutting, or removal of the offending vegetation shall be selective so as not to harm that vegetation which is compliant with the law.

This model ordinance was prepared under the auspices of The Native Plant Preservation Coalition of Wisconsin, in cooperation with the Milwaukee Chapter of the National Audubon Society, and adapted slightly by the Grow Native! Committee of the Missouri Prairie Foundation, 2013.