



Request for City Council Committee Action from the Department of Regulatory Services

Date: June 6, 2011

To: Council Member Elizabeth Glidden, Chair – Regulatory Services,
Energy and the Environment Committee

Subject: Managed Natural Landscapes

Recommendation: Amend Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally, to create standards by which Managed Natural Landscapes are allowed on privately owned lands or premises.

Previous Directives: July 2, 2010 – City Council introduced subject matter of an ordinance authored by Council Member Gordon amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally, amending Sections 227.90 and 227.100 to exempt native prairie or other purposeful plantings from the definition of offensive conditions and vegetation (Gordon).

Department Information

Prepared by: Joshua Rudlong (685-8516), Daniel Huff (673-5863)

Approved by:

Henry Reimer, Acting Director of Regulatory Services

Thomas Deegan, Director of Housing Inspections

JoAnn Velde, Manager of Housing Inspections Services

Presenters in Committee: Joshua Rudlong, Daniel Huff

Financial Impact

- No financial impact

Community Impact

- City Goals

Supporting Information

In support of the 2010 City of Minneapolis Goals and Strategic Directions, specifically:

Eco-Focused

- Requires fewer potentially harmful and costly inputs
- Improves storm water retention
- Increases water quality and biodiversity
- Reduces greenhouse gas emissions
- Provides habitat for native species

Background Information

This proposal was developed with the assistance of a task force comprised of stakeholders including City residents, local landscaping companies, other government agencies and City staff. Members are listed in attachment.

Communication and Encouragement

- The City will continue to encourage- but not require- that property owners who install managed natural landscapes also put up signage that indicates that the planting is intentional. This is beneficial to the property owner, City inspectors and the community in several ways. Signage may help reduce complaints about managed natural landscapes by educating neighbors about the purpose of the plantings, help inspectors identify intentional plantings and thereby prevent unnecessary violation letters, and encourage other property owners to install managed natural landscapes.

[Grass Ordinance Rewrite Group Members \(doc.\)](#)

In developing this ordinance, the task force reviewed other municipality's ordinances as well as model ordinances including the Landscaping and Maintenance of Vegetation model ordinance by the Minnesota Pollution Control Agency.

[Wild Ones Model Ordinances \(pdf\)](#)

[MPCA Model Ordinances for Sustainable Development \(website\)](#)

[Neighboring Communities Ordinances \(pdf\)](#)

Kelly Wilder, at Council Member Gordon's request, researched and wrote a comprehensive summary of Purposeful Planting, Zeroscaping, Native Planting and Natural Landscaping, found below.

[**Purposeful Planting/ Natural Landscaping \(pdf\)**](#)

The City of Minneapolis Citizen's Environmental Advisory Commission has reviewed the proposed ordinance and wrote a letter of recommendation found below:

[**Citizens' Environmental Advisory Commission \(doc.\)**](#)

The Rental Property Advisory Committee has also reviewed the proposed ordinance.

[**Minnesota Noxious Weeds \(website\)**](#)

[**Minnesota Noxious Weed List \(doc.\)**](#)

[**Earth-Friendly Landscaping Hennepin County \(website\)**](#)

[**How to Grow a Healthy No-Waste Lawn & Garden-MPCA \(pdf\)**](#)

[**Minneapolis Fertilizer Ordinance \(pdf\)**](#)

[**Reduce the Need for Pesticides and Herbicides- MPCA \(pdf\)**](#)

Supporting Information

The City of Minneapolis has over 100,000 residential lawns. The vast majority of these have been, and continue to be, conventional lawns made up of short-cropped cool season grasses. To prevent harborages to pests, and to provide a certain aesthetic, the existing ordinance limits the height to 8 inches.



This type of traditional lawn requires mowing every week or two during the growing season, and may require herbicide and fertilizer inputs to keep the lawn green and lush.

Every spring and summer, City of Minneapolis Housing Inspectors issue orders to cut the tall grass and weeds in yards that have grown over the 8 inch limit.

Unkept, overgrown grass and weeds in yards may harbor pests and contributes to urban blight.



Each year, Housing Inspections Services issues almost 10,000 orders to cut tall grass and weeds on residential properties.

2010 Total Grass Violations Issued

9,979 violation notices

Alternative Landscaping:



For a variety of reasons, Managed Natural Landscapes are becoming a popular alternative to the conventional manicured lawn. Some advantages of a Managed Natural landscape include:

Biodiversity: Conventional lawns are essentially a monoculture of one or more species of grasses or fescues. Managed Natural Landscapes often incorporate a diversity of native and ornamental grasses and forbs, providing habitat for birds, butterflies and other beneficial insects.

Ecological: Native species require no mowing, and little to no watering, fertilizer, or herbicide inputs. Native species have deep root systems, (which helps improve stormwater retention and infiltration and increases water quality), making these species ideal for rain gardens.

Aesthetic: Many enjoy the variety and beauty of natural and ornamental landscapes.

Here's a side by side comparison of a Managed Natural Landscape vs. a Conventional Lawn



Managed Natural Landscapes have been allowed in the City of Minneapolis on a case by case basis, however this has been up to the discretion of the inspector. In an effort to foster landscapes which support the City's Environmental Goals, and to allow what in practice is already happening, it is necessary to Codify into the City Ordinances standards for which Managed Natural Landscapes are allowed in the City of Minneapolis.

Managed Natural Landscape types:

Meadow Vegetation- The picture below is of a prairie restoration project by a professional native landscaping company.



Rain Garden:



A rain garden is an attractive garden with a special purpose — to reduce the amount of rain water and pollutants entering streams, rivers and lakes. A rain garden is a place to direct the rain from your roof or driveway, and more importantly to retain that rain onsite instead of discharging to the storm drain system.

Ornamental Plants:



Enforcement: Due to the complexity of botanical identification, the wide variety of managed natural landscapes, and the subjective nature of an aesthetically pleasing landscape, Housing Inspectors face difficulty in identifying some managed natural landscapes. Therefore, residents are highly encouraged to call 311 if they receive housing orders they believe were issued in error and discuss them with the inspector.

In a densely populated urban area it is important that natural landscapes are maintained so noxious weeds and invasive species do not spread.





The raingarden pictured above needs attention. Sow thistles and Canadian thistles are taking over.

Appendix

Grass Ordinance Rewrite Task Force Members:

Michael Anshell	Resident
Jeff Zaayer	Southview Design
Douglas Owens-Pike	EnergyScapes
Erin Driscoll	Minnesota Pollution Control Agency

City Staff:

Daniel Huff	Environmental Management and Safety
Josh Rudlong	Environmental Health
Paul Meyers	Housing Inspections
Harold Middleton	Housing Inspections
Dan Bauer	Public Works

Council Aides:

Robin Garwood

Sara Goodnough



Model Municipal Ordinance

[Wild Ones](#)
[About Us](#)
[Contact Us](#)
[Join and Give](#)
[Get Wild -](#)
[Stay Wild](#)
[WILD Center](#)
[Photo Contest](#)
[What's New](#)

[Wild Chapters](#)
[Wild Chapters](#)
[Wild Calendar](#)
[Wild Events](#)
[Wild People](#)

[Education](#)
[Seeds for](#)
[Education](#)
[Next](#)
[Generation](#)
[Native](#)
[Landscaping](#)
[Weed Control](#)
[Laws](#)
[Ecoscaper](#)
[Program](#)
[Q&A Archive](#)

[Resources](#)
[Business](#)
[Members](#)
[Affiliates](#)
[Discussion](#)
[Group](#)
[Classified](#)
[Wild Store](#)
[Bookstore](#)
[Publications](#)
[Journal](#)
[Downloads](#)
[Climate](#)
[Change](#)
[Wild Links](#)
[Conferences](#)
[Media Center](#)
[Facebook](#)
[Guidelines](#)

A MODEL MUNICIPAL ORDINANCE ENCOURAGING THE USE OF 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.

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 managed landscapes is economical, reduces maintenance, effectively conserves water, soil, and other elements of the natural community. Moreover, 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.

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.

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. 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 Wisconsin 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 Wisconsin law (66.96, Wis. Stats.): **Cirsium arvense** (Canada thistle); **Convolvulus arvensis** (Field bindweed); **Euphorbia esula** (Leafy spurge). Two species are defined as "nuisance weeds" under Wisconsin law (66.955, Wis. Stats.): **Lythrum salicaria** (Purple loosestrife); **Rosa multiflora** (Multiflora rose). Other particularly invasive, or allergen-producing species such as certain **Arctium spp.** (Burdock), **Cirsium and Carduus spp.** (Thistle), **Ambrosia spp.** (Ragweed), and **Alliaria petiolata** (Garlic mustard), may also be declared as "noxious," or "nuisance" weeds through local legislation.
- (e) **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. Members of the drafting committee were:

- | | |
|-------------------------------------|---|
| Don Vorpahl, Hilbert, WI (Chairman) | Mark Feider, Glendale, WI |
| Jane Carpenter, Grafton, WI | Lorrie Otto, Bayside, WI |
| Carol Chew, Bayside, WI | Bret Rappaport, Deerfield, IL, (ad hoc) |
| Greg David, Watertown, WI | John Vandlik, Milwaukee, WI |
| Martyn Dibben, Glendale, WI | Rochelle Whiteman, Glendale, WI |

August 16, 2008/Revised/br



Memorandum

To: Mayor and City Council
From: Leslie A. Stovring, Environmental Coordinator
Eugene Dietz, Director of Public Works Services
Through: Carl Jullie, City Manager
Date: September 27, 2001
Re: Native Plant Ordinance

Synopsis

The amendment of the City Code relating to maintenance of vegetation is to allow the use of native plantings to encourage water conservation and habitat enhancement. Native plants also require less intensive maintenance, resulting in less usage of fertilizers and pesticides. This change would give individual residents more choices for conserving water and thus meeting the intent of the Water Surcharge that was enacted in 1997 to encourage water conservation.

Background

The City began advocating xeriscaping, or water-smart gardening, as a way of moving away from growing plants from radically different climates, such as traditional bluegrass turf, to ones that thrive in our specific region. There are a number of perennials, annuals, shrubs, trees and vines that perform well yet require minimal supplemental irrigation and resist disease and pests with minimal chemical usage. This can be done without sacrificing the aesthetic quality of the City's yards and instead focusing on the character and beauty that natural landscapes can provide. After established, a properly maintained native garden should appear full and healthy.

Potential Questions on Native Landscaping

There are a number of potential questions associated with native plant gardens, including vermin population growth, mosquito growth, allergies and the need for annual burns. Research into these issues was completed and the results indicated that:

- Natural vegetation does not typically provide the quantities of food required for sustaining large vermin populations.
- Native landscapes tend to absorb water quickly and are less likely than a watered, sod-covered lawn to provide for mosquito breeding.
- There are few native plants which give off allergen-type pollens as most native plants are insect pollinated, not air pollinated. It is the air-pollinated species, such as Kentucky bluegrass, which are commonly allergens. Hennepin County has also stated that common allergens are so wide spread that the growth of a small number of air-pollinated species within a residential yard is inconsequential.
- Controlled burns are not required to maintain native landscapes within a yard. Mowing each spring and removal of debris will expose the soil for warming by the sun, mimicking the action of fire.

Key Provisions of the Ordinance

There are a number of issues addressed within the ordinance that may arise as a result of the new native planting guidelines. They include:

- It is unlawful for an owner or occupant to allow "noxious weeds" as defined by Minnesota Statutes or volunteer plants which are not customarily or intentionally planted to grow on their lot.
- Setbacks are required. They are 10 feet from the side and rear lot lines and 20 feet from the front yard lot line. The side and rear setbacks can be waived if there is a completely opaque fence with a minimum height of 5 feet.
- Prior vegetation, such as turfgrass, must be eliminated and the native grasses, sedges and forbs planted through transplanting or seed. This is to prevent "just letting the grass grow". In addition, all natural areas must be marked with a sign advising that a meadow or prairie is being established in areas likely to be seen by the public.
- Plantings prohibited within the zoning district in which the planting is proposed, such as those provisions outlined in Section 11.50 the Shoreland Management Ordinance or Section 11.03 regarding sight line setbacks from intersections, would also be prohibited in this ordinance.
- All native-planting areas must be mowed a minimum of once annually between April 15 and June 1 to a height no greater than 8 inches.
- The City would **not** be responsible for damage to landscaped areas resulting from public works improvements or snow removal activities. The City may also require removal of native plantings from within right-of-way areas at no expense to the City.
- Work within conservation easement areas, including not mowing and cutting, requires written authorization from the City.
- Failure to comply with this ordinance, including setback, weed and annual cutting requirements, shall result in cutting of the vegetation and/or treatment of the weeds and the expenses thus incurred shall be a lien upon the lot or parcel for the amount of the cost incurred by the City.

Neighborhood Values

A concern has been discussed at staff level regarding the issue of the proximity of native grasses to lots occupied by someone with different values. The provisions for of setbacks or fences address this issue. However, there is the possibility that native vegetation could be installed next door to someone that values a manicured lawn.

Attachments

Proposed Ordinance
Survey of Local Ordinances.

CONTACT	RESULTS
<p>City of Minnetonka Dean Elsted Planning Dept. 952-939-8217 Section 845.030 – Special Provisions: Lawn Maintenance</p>	<p>The City adopted an ordinance that allows citizens to install native plant landscaping that is “properly managed and maintained” approximately 10 years ago. The ordinance was instituted as the result of a lawsuit in which a resident contended that the City’s prior ordinance was too vague and that it infringed on their right to grow a native landscape in lieu of sod. Their previous ordinance was a basic ordinance stating that all vegetation over a certain height had to be mowed, similar to Eden Prairie’s. The City attorney agreed that the resident would likely win the lawsuit and the City drafted an ordinance that would allow native landscaping while regulating it.</p> <p>There have been few issues resulting from the ordinance and most residents have been very cooperative in allowing native plantings. They do have a few residents that have native landscape areas in place. Most native planting areas are within new construction where non-turf areas are part of the development plan. The majority of the complaints, of which there are few, are in the fall when the plants start looking a little overgrown as they only need to mow once during the year.</p> <p>Ordinance provisions include:</p> <ul style="list-style-type: none"> • Establishment of meadows and prairies is allowed, but not lawns or weeds left to “go natural”. Prior vegetation must be eliminated and the native vegetation planted through transplanting or seed by human or mechanical means. • A definition for “weeds” includes noxious weeds such as cocklebur, crabgrass, dandelions, quackgrass and ragweed. Weeds would also include anything that is horticulturally out of place, such as a tree seedling in a vegetable garden. Weeds are not to exceed a height of 10 inches, except in certain areas such as wetlands, ponds or other non-occupied areas that have never been graded, landscaped or mowed (City parks, etc.). • The area must be cut at least once per year to a height no more than 10 inches if the area contains more than 25% weeds. Once there are weeds of less than 25% of the area, no mowing is required. • There are no setback requirements. • A landscaping plan is only required if there is a question over whether a planting is “intentional” or not. • Large planted areas must have signage indicating that a restoration is in process. The sign must be a minimum of 10 inches by 10 inches and less than one foot by one foot. The sign must be located in an area which residents are likely to see it.

<p>City of Crystal Kelly Yeager Assistant City Forester 763-531-1000 Section 6.40 - Vegetation</p>	<p>Their ordinance promotes and encourages private residential applications of native plant landscaping. The ordinance was passed with little controversy and there have been no complaints since passage. There are a few residents taking advantage of the ordinance, three that she knows of. She did handle one complaint this year, but the resident's yard did meet the native plant requirements.</p> <p>Ordinance provisions include:</p> <ul style="list-style-type: none"> • The City retains the right to cut any grass or weeds that represent a nuisance or hazard. • There is a 15 foot setback from the front street or side street (from the edge of pavement), and six feet from the rear or side yard (as measured from property line). • The setback is waived if there is a fully opaque fence at least five feet in height installed on the lot line. • The setback is defined as requiring regularly mowed turf grasses, which is defined as included blue grass, fescue or rye grass blends or other similar grasses. • Planned landscape areas must be cut at least once annually between April 1 and November 1 to a height no greater than 10 inches. • The landscaping plans must be submitted to the City Forester for review and approval. • The ordinance also specifically exempts parks and natural areas owned by the City and rights-of-way owned by the count and state.
<p>City of Eagan Pam Dudziak City Planner / Weed Inspector 651-681-4691 Section 7.08 – Regulation of grass, weeds, trees, and landscaping</p>	<p>The City of Eagan implemented a revised "weed ordinance" in 1990. The City has experienced few complaints with the native plantings in residential area. Only a few residents have installed native garden areas. One site they have been working with is Delta Dental, a company that converted large portions of their yard area to native landscaping. Complaints have centered on residents who are not aware that this is a native plant restoration area due to the lack of signage at the company. However, this area was done professionally and does look as intended. Delta has also reported a significant decrease in maintenance costs, including watering.</p> <p>Eagan's code allows for establishment of woodland or meadow conditions for no more than 50% of all maintained areas requiring turfgrass. This includes the following provisions:</p> <ul style="list-style-type: none"> • The vegetation presently existing in the proposed restoration area shall be entirely eliminated and re-vegetated. • No noxious weeds or prohibited tree species are allowed. Prohibited trees are defined as female ginkgo, box elder, non-

	<p>disease resistant elm, and non-hybrid cottonwood.</p> <ul style="list-style-type: none"> • A setback of 3 feet of turfgrass is required along the property edge where the restoration area abuts turfgrass areas on adjoining properties. • Soil erosion shall be controlled during the transition period of the restoration. • Turfgrass and other areas not covered by this ordinance are to be maintained at a height of 6 inches or less. • Areas exempt from the 6-inch mowing requirements include wetlands, floodplains, drainage ponds or ditches, pasture land, steeply sloped areas and restoration areas.
<p>City of Edina Vince Cockriel Park Superintendent 952-927-8861 and Lowell McCarty Retired weed inspector 952-922-5193 Section 1050 – Maintenance of Vegetation</p>	<p>The City of Edina has had a native landscaping plan that states that the area has to be a planned landscape or restoration area. The City has not had any problems with determining which are planned or not planned and ordering cutting for “unkempt” or “weedy” lawns. Overall, they are very satisfied with the ordinance.</p> <p>There has not been much controversy and are few complaints, especially after the residents learn what their neighbor is doing and why. They did have one complaint where the plantings were going beyond the setback area, but that was within the boundaries of the ordinance and was fixed. The majority of the native areas are on hillsides and were done with professional contractors. There are about 10 residents who have “whole yard” natural areas. Most are for smaller areas within the overall yard.</p> <p>Ordinance provisions include:</p> <ul style="list-style-type: none"> • Setbacks of 20 feet for street or side street sides and 5 feet for side or rear yards • Setback can be reduced to 0 if there is: <ul style="list-style-type: none"> • a fully opaque fence of at least 5 feet in height, • a restoration area in adjoining lot, • a public park, open space or vacant lot next to it, • a wetland, pond, lake or stream, • or the slopes are greater than 3:1. • Setback must contain pavement, rock, gravel, wood chips, regularly mowed turf grass, trees and/or shrubs. • The weed definition includes primary and secondary noxious weeds as well as “any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted”.
<p>City of Plymouth Lara Newberger Forestry Technician & Weed Inspector 763-509-5946</p>	<p>Residents are allowed to request that portions of their property be designated a “Natural Preserve”. This formal application process includes a petition that must be signed by all adjacent landowners and approved by the City Council. However, they discourage most residents from going through the formal process as the</p>

	<p>Preserve area designation is intended for large restoration projects and would not include smaller landscape areas.</p> <p>They do work with homeowners to establish native-planting areas in back yards or adjacent to wetlands or other natural areas, similar to what Eden Prairie currently does. They also encourage signage of native plant restoration areas as they find it cuts down on neighbor complaints. They have also found that maintaining a buffer between yard areas helps stop encroachment of native plants into adjacent yards. The Natural Preserve / native plant areas must be kept free of Minnesota designated noxious weeds and must have a buffer of mowed vegetation adjacent to roads or paths. The City has over 20 Natural Preserve areas.</p>
<p>City of White Bear Lake Jim Robinson City Planner 651-429-8561</p>	<p>They have had a native plant ordinance for over 3 years now. The City has only had one complaint in this time. The complaint was settled relatively amicably and the native garden remained in place.</p> <p>Their ordinance was done very simply and includes a single provision. Their ordinance allows native grasses to exceed the City's 12-inch height restriction as long as the vegetation is set back a minimum of 20 feet from the property line and is part of a garden or landscape treatment.</p>
<p>City of Minneapolis Chuck Ballantine Planning Director 612-673-2616 Section 530.150 – General Landscaping and Screening</p>	<p>They allow use of native grasses within the landscaping and screening areas of developments. Use is encouraged to provide for interception and filtration of stormwater, to limit required maintenance, preserve or restore natural amenities and to conserve energy through shading and windbreaks.</p>
<p>City of Woodbury Steve Kernik Environmental Coordinator 651-714-3536 Section 15-7 – Lawn Maintenance</p>	<p>Their "weed ordinance" was recently amended in February 1997 to allow native landscaping. This was done to allow a variety of landscapes within appropriate locations within the City and also to address vacant lot issues. Approximately 50% of the calls they got were due to vacant lots, the remaining were due to either residents who already were doing native landscaping or those who were not mowing their lawns.</p> <p>Since passage of their ordinance, the number of complaints has dropped significantly, especially as residents became aware that vacant lots were exempt from the mowing requirements unless they had a significant amount of noxious weeds. This year he has only received two complaints about neighbors and both were in compliance with the ordinance. They had their 2nd annual landscaping tour and over 100 people attended the event.</p> <p>Natural areas are allowed on residential and non-residential areas, up to 35% of the rear lot in most cases. In general, vegetation</p>

	<p>must be 8 inches or less within 20 feet of buildings and within 20 feet of the curb or shoulder of roadways. There are a number of areas that are exempt from the 8 inch or less requirement. This would include maintained "gardens", wetlands, wetland buffers, drainage ditches, steep slopes, vacant lots and berms greater than 4 feet high among others.</p>
<p>City of St. Paul Ed Olsen Public Works Dept. 651-488-7291</p>	<p>The City of St. Paul does not have a native planting ordinance, but does have a provision for boulevard plantings to "improve the aesthetic appearance of city street, avenues and alleys". The ordinance allows garden areas with plantings not-to-exceed 24 inches in height with no overhang, encroachment onto sidewalks, curb or street areas. There have been no complaints and very few sight line obstruction problems.</p>
<p>City of Bloomington Glen Shirley Parks Maintenance Supervisor 952-948-8700</p>	<p>They do allow private homeowners to convert yard areas to "alternative landscaping", including native prairie, when there are no conflicts with neighbors. No formal ordinance covers these situations. They have a basic "weed ordinance" that does not allow anything over 12 inches in height. The City is considering adopting a native landscaping ordinance in the future, as interest in this type of landscaping is rising.</p>

Purposeful Planting * Zeroscaping * Native Planting
Naturalistic Planting * Natural Landscaping * Natural Gardening

Background	... Page 2
What Cities Can Do	... Page 4
Appendix A -- Relevant Sections of the Minneapolis Code of Ordinances	... Page 7
Appendix B -- Useful Definitions	... Page 9
Appendix C -- Mn/DOT Policy on Natives and Wildflowers	... Page 10
Appendix D -- Model Ordinances	... Page 11
Appendix E -- Sources for Research and Technical Assistance	... Page 18
Appendix F -- Ordinances in Other Cities	... Page 19

The Minneapolis Municipal Code contains language declaring weeds or grass greater than eight inches tall to be a nuisance.

Minneapolis Municipal Code §§ 227.90-227.100 excerpted (Full text in Appendix A)

§ 227.90 Offensive conditions

No owner, agent or occupant of any privately owned lands or premises shall place upon, or permit upon the owner's premises any noxious weeds as are defined in Minnesota Statutes or Minnesota Rules Any weeds or grass growing upon any lot or parcel of land in the city to a greater height than eight (8) inches or which have gone or are about to go to seed are hereby declared to be a nuisance condition and dangerous to the health, safety and good order of the city.

§ 227.100 Abatement

(a) ... a notice to remove the offensive matter or correct the nuisance condition shall be served ... Such notice shall describe the matter to be removed and require removal thereof within three (3) days ... If at the end of said three (3) days following service of such notice the offensive matter has not been removed, or the nuisance condition corrected, the city shall cause the correction or removal and disposition.

(b) For properties in which there have been two (2) or more notices issued to remove offensive matter or to correct nuisance conditions within the prior twelve-month period, compliance with section (a) shall not be required ...

(c) ... all costs, including an administrative fee of one hundred dollars (\$100.00), incurred by the city for the removal and disposition of the offensive matter or for correcting the nuisance shall be assessed, levied and collected as a special assessment ...
In cases where there have been one (1) authorized removal of offensive conditions and/or vegetation at a given site within any twelve-month period, the second and subsequent abatement assessments shall have a double administrative fee ...

Despite the ordinance, the City has utilized stopgap measures to express support for natural landscaping¹:

“Post a sign so ... City inspectors will understand the types of plantings you have. If ... you get a notice from the City, just call the number on the notice and let inspectors know about the type of lawn you have.”

However, it would be preferable to codify this support to avoid confusion among residents and bad press for the City of Minneapolis².

Background

Many localities retain so-called “weed laws” in their municipal codes. Justifications include protection of agriculture from noxious weeds; avoidance of public health hazards associated with overgrowth including vermin, mosquitoes, and fire; and maintenance of housing values and neighborhood aesthetic. Those who oppose weed laws cite evidence of the ecological and community benefits of natural plantings, and various nongovernmental organizations and governmental entities have supported this stance.

Disadvantages of turf grass

Turf grass lawns are characterized by advocates of natural lawns as (1) requiring expensive and potentially polluting equipment, chemicals, and upkeep; (2) reducing biodiversity; (3) contributing to runoff, and (4) encouraging exotic species.

¹ <http://www.ci.minneapolis.mn.us/news/20100604SustainableLandscaping.asp>

² WCCO story about the City cutting down a natural lawn:
<http://wcco.com/local/eco.friendly.grass.2.1729352.html>

Critics of weed laws claim that turf grass lawns are often preferred to natural landscapes not because of legitimate concerns but instead because they serve as a “moat” between homeowners and their neighbors; appeal to our species’ evolutionary predisposition toward savanna and grassland habitat; and signify wealth, neatness, and conformity.³

Benefits conferred by natural landscaping

Natural landscapes including tall grasses and other, non-noxious species can confer a number of ecological, economic, and spiritual benefits⁴. These landscapes:

- Do not require pesticides or fertilizer and are more drought resistant than turf, minimizing both upkeep costs and environmental impact (e.g., nonpoint source pollution into lakes and rivers)
- Provide wildlife habitat that promotes biodiversity and discourages exotic species
- Are viewed by many developers as having a positive impact on housing values
- Encourage homeowner and community members to respect and reflect upon the natural world, perhaps encouraging conservation and other sustainable behavior

Natural landscaping can aid cities in realizing stormwater management objectives. For example, a Santa Monica model ordinance⁵ requires new developers to have an Urban Runoff Mitigation Plan utilizing structural and treatment control BMPs. Existing residences are also required to minimize runoff. Natural landscaping can be used as a tool to accomplish higher infiltration rates in accordance with such an ordinance.

A number of Minneapolis’s environmental protection ordinances could be supported by allowing natural landscaping – namely those addressing erosion, stormwater, lawn fertilizer, and the combined sewer system.

³ Brett Rappaport, *Green Landscaping: Green Acres*, 26 No. 4 J. Marshall L. Rev. (1993) at <http://www.epa.gov/greenacres/weedlaws/JMLR.html>.

⁴ These are laid out in more detail in Rappaport (1993)

⁵ http://www.sustainablecitiesinstitute.org/view/page.basic/legislation/feature.legislation/Model_Ordinance_SW_Runoff_San_Monica

Support for natural landscaping

A number of state and local organizations provide research on the benefits of natural landscaping and technical assistance for residents and entities interested in planting natural lawns and gardens. A list of these organizations is provided in Appendix E.

Appendix F contains a sampling of ordinances from other cities, some that forbid tall grass and some that allow it under various schemes. There is additional official support for natural landscaping in Minnesota: The Minnesota Environmental Rights Act has been interpreted as supporting natural landscaping. MEPA makes it the state's policy "to create and maintain within the state conditions under which human beings and nature can exist in productive harmony in order that present and future generations may enjoy clean air and water, productive land, and other natural resources with which this state has been endowed⁶." The Minnesota Department of Transportation also encourages the use of native grasses and wildflowers in landscaping to prevent weeds and control erosion⁷.

Cultivators of native and naturalistic plantings are also supported by a robust case law⁸. Courts have repeatedly found against plaintiffs' claims that plantings serve as habitat for vermin, constitute a fire danger, depress housing values, or increase pollen load.

What Cities Can Do

While many cities – like Minneapolis – retain weed laws in their municipal codes, others have taken official steps to encourage more natural landscaping.

Permitting

⁶ Minn. Stat. 116B.01

⁷ <http://www.jrb.org/PDF/200019.pdf>. An excerpt of the Best Practices Handbook for Roadside Vegetation Management can be found in Appendix C.

⁸ See Rappaport (1993) for a discussion of many of these cases.

Natural landscaping is very popular in Madison, Wisconsin, and in response, the City of Madison has developed a process for exempting natural landscapes from its eight inch grass rule. Residents who wish to plant a natural lawn must apply to have their "Natural Lawn" plan approved in advance of planting.

More permissive weed laws

Two types of more permissive weed laws exist that avoid the administrative hurdles of a permitting process⁹. First, cities can institute a set-back ordinance requiring that vegetation within a certain number of feet from the front or perimeter of a lot not exceed a certain height. Laws can also make exceptions for broad classes of plantings meeting certain definitions such as "native" or "soil fertility building" (see Appendix B).

Promotional Laws

A few cities, such as Fort Collins, Colorado, actively promote natural landscaping for ecological reasons by providing technical and financial support to landowners. Sites larger than ¼ acre are eligible to be designated as natural areas, and residents can receive funding and technical support. The city's municipal ordinance also details ornamental grasses allowed in natural landscapes.

Model Ordinances

A sampling of model ordinances is included in Appendix D.

Enforcement

The City must understandably retain the power to abate tall grasses and noxious weeds that do pose public and environmental health dangers and threaten neighborhood aesthetic. Minneapolis, as well as most other municipalities surveyed, utilizes inspectors

⁹ Rappaport (1993)

and complaints to identify yards containing tall grasses. A notice is sent to the resident, and the city cuts the lawn and bills the resident if no action is taken within a certain number of days. Madison, which uses a permit scheme, reserves the right to revoke a permit, subject to an appeals process. Whether a permitting, permissive, or promotional ordinance is used, city inspectors must be able to recognize the difference between tall turf grass and natural landscaping.

Because it can be difficult to differentiate between tall turf grass and noxious weeds and natural landscapes, inspector trainings are a necessary consideration. A number of local organizations or colleges and universities could presumably offer these trainings¹⁰. The Minnesota Pollution Control Agency runs a four-hour Summer Turf Grass Maintenance Program with funding from the Mississippi Watershed Management Organization. The training offers participants environmental information and BMPs and has been shown to change the behavior of practitioners¹¹. Given the interest among funders in using residential landscapes to meet water quality objectives (i.e., rain gardens, etc.), the MPCA or another agency could presumably partner with funders and other institutions to offer a similar course in more natural lawn plantings.

¹⁰ E.g., see Grass Recognition one-day workshop: <http://www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/training>

¹¹ <http://www.pca.state.mn.us/index.php/about-mpca/mpca-events-and-training/summer-turf-grass-maintenance-program.html>

Appendix A – Relevant Sections of the Minneapolis Code of Ordinances

227.90. Offensive conditions and vegetation declared. No owner, agent or occupant of any privately owned lands or premises shall place upon, or permit upon the owner's premises any noxious weeds as are defined in Minnesota Statutes or Minnesota Rules, dirt or rubbish, or any swill, offal, garbage (except in authorized containers), ashes, barnyard litter, manure, yard cleanings, dead animals, inoperable vehicle as defined in the Zoning Code, or any other foul or unhealthy material, or any other condition on said premises, in such a manner as to constitute a nuisance. Any weeds or grass growing upon any lot or parcel of land in the city to a greater height than eight (8) inches or which have gone or are about to go to seed are hereby declared to be a nuisance condition and dangerous to the health, safety and good order of the city. Exception: Ground cover planted and maintained above earth-sheltered buildings need not comply with the height limitation of this section; however, such ground cover shall not contain noxious weeds. Fallen trees, fallen tree limbs, dead trees, dead tree limbs, which in the opinion of the director of inspections constitute a health, safety or fire hazard, are declared to be a nuisance condition. Further, when in the opinion of the director of inspections, trees, brush and plant growth, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280 shall also constitute a nuisance condition. (Code 1960, As Amend., § 782.010; Ord. of 7-26-74, § 1; 80-Or-180, § 1, 8-8-80; 82-Or-181, § 1, 9-24-82; 84-Or-147, § 1, 8-10-84; 84-Or-176, § 1, 9-28-84; Pet. No. 251060, § 51, 12-15-89; 99-Or-035, § 1, 4-9-99; 2000-Or-096, § 1, 10-13-00)

Cross references: Provisions of housing maintenance code relative to weeds and other vegetation, § 244.1580.

227.100. Abatement of offensive conditions and vegetation. (a) When there exists on private property a condition which is in violation of section 227.90, a notice to remove the offensive matter or correct the nuisance condition shall be served by the chief of police, the chief of the fire department, director of inspections, commissioner of health, or their authorized representatives, upon the owner. Such notice may be served personally or may be served by mail. Such notice shall describe the matter to be removed and require removal thereof within three (3) days not to include Saturdays, Sundays or holidays following service of the notice. If at the end of said three (3) days following service of such notice the offensive matter has not been removed, or the nuisance condition corrected, the city shall cause the correction or removal and disposition.

(b) For properties in which there have been two (2) or more notices issued to remove offensive matter or to correct nuisance conditions within the prior twelve-month period, compliance with section (a) shall not be required. For these properties, the second notice issued within a twelve-month period shall contain a general notice that the city may abate future violations of section 227.90 without providing additional specific notice of the violation. This general notice shall remain in effect for twelve (12) months from the date it is sent. This notice shall inform the owner that the costs incurred by the city will be assessed pursuant to the procedure set forth by this ordinance.

(c) Whether notice was provided pursuant to section (a) or section (b), all costs, including an administrative fee of one hundred dollars (\$100.00), incurred by the city for

the removal and disposition of the offensive matter or for correcting the nuisance shall be assessed, levied and collected as a special assessment payable in one (1) sum or by up to ten (10) equal annual installments as the council may provide against the premises from which it was removed, in the manner provided for in this section. In cases where there have been one (1) authorized removal of offensive conditions and/or vegetation at a given site within any twelve-month period, the second and subsequent abatement assessments shall have a double administrative fee until such time as no authorizations are required for a period of twelve (12) months.

(d) When the city causes the correction or removal and disposition of a nuisance under this section, the chief of police, the chief of the fire department, director of inspections, commissioner of health, or their authorized representatives shall mail to the owner a notice of intent to assess the costs of said action. Such notice shall state the amount and basis for the costs and the time, date and place of a hearing before a hearing officer appointed by the council to determine the validity and amount of the proposed assessment. The notice may require, as a prerequisite to an owner's challenge of an assessment, that the owner file written objections to the assessment no later than fifteen (15) days before the hearing. The notice shall state that the owner may appeal the assessment to the district court within thirty (30) days after the adoption of the assessment by the council at an annual meeting. The notice shall also inform the owner of the provisions of Minnesota Statutes Sections 435.193 to 435.195 and of the existence of any deferment procedure.

(e) "Owner," for the purposes of this section, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or, if none, the person listed as owner by the city assessor on the homestead record, or, if none, the taxpayer as shown by the records of the city assessor. (Code 1960, As Amend., § 782.011; Ord. of 4-27-73, § 1; Ord. of 8-31-73, § 1; Ord. of 2-22-74, § 1; Ord. of 7-26-74, § 2; 87-Or-077, § 1, 5-8-87; 93-Or-141, § 2, 10-1-93; 2005-Or-075, § 1, 9-2-05; 2008-Or-007, § 1, 2-1-08)

Appendix B – Useful Definitions

Natural Landscaping	The practice of cultivating plants which are native to the bioregion without resort to artificial methods of planting and care such as chemical fertilizer, mowing, watering other than by through natural processes (rain), with the goal of harmonizing the landscape with the larger biotic community and ecosystem of the immediate and surrounding bioregion. ⁸
Natural Garden	A smaller version of a natural landscape. In its most simple terms, it is a garden planned and designed to work with, rather than against, Nature. ⁹
Exotic	A plant growing other than in its natural bioregion. ¹⁰
Weed	"A plant considered undesirable, unattractive or troublesome, especially one growing where it is not wanted, as in a garden." ¹¹
Weed Law	Any federal, state, county and local, statute, regulation or ordinance which limits the type or size of vegetation which grows or is cultivated on land within the jurisdiction. ¹²
Native planting	the use of native plant species for aesthetic and/or wildlife reasons;
Wildlife planting	the use of native and/or introduced plant species to attract and aid wildlife;
Erosion control	to offset and control any soil loss problems both occurring or predicted;
Soil fertility building	the enrichment and eventual stabilization of soil fertility through the use of various plant species;
Cultivation	any plant species or group of plant species native or introduced and grown for consumption, pleasure or business reasons;
Biological control	the planting of a particular plant species or group of species which will effectively out compete and replace a noxious or troublesome weed species without additional soil disturbance of the site;
	http://www.epa.gov/greenacres/weedlaws/JMLR.html
Landscaping	the active involvement in the encouragement of selected plants to grow on a site.
Meadow vegetation	grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds.
Native grasses	grasses (Beach Grass, Wood Chess Grass, Sand Reed Grass, Wheat Grass, Bluestem Grass, Grama Grass, Brome Grass, Buffalo Grass, Switch Grass, Indian Grass, Wild Rye)) that existed in the area prior to European settlement.
	http://www.rochestermn.gov/departments/attorney/ordinances/pdf/ord48.pdf

Appendix C – Mn/DOT Policy on Natives and Wildflowers

USING NATIVE GRASSES AND WILDFLOWERS

Two primary objectives of roadside maintenance, weed prevention and erosion control, can be accomplished through the use of native grasses and wildflowers. The establishment of native plants in an area results in a diverse and strong plant community adapted to local conditions—including a wide range of soil types, moisture levels, and climactic conditions. Since most prairie grasses and wildflowers grow best during hot, dry summer months, they provide excellent erosion control during the fall and spring. Deep roots also prevent the invasion of noxious weeds and reduce the number of undesirable and competing shrubs and trees.

Additionally, including wildflowers with native grasses creates a more stable and colorful environment throughout the growing season and adds color, texture, and beauty to the roadside.

Other benefits of using native grasses and wildflowers include:

- Less money spent on herbicides, fertilizers, and maintenance. Because native plants are self sustaining, they require less maintenance, and their dense roots force out competing plants, so the area requires less herbicide use.
- More effective application of herbicide through better use of equipment and spot spraying only the weeds. Using the best products at the right time optimizes chemical use.
- Soil stabilization through the use of native prairie grasses. The dense and deep root systems (typically 6–8 feet, but potentially 12–14 feet deep) for these grasses prevent erosion and slope failure.
- Roadside beautification and enhanced wildlife habitat (such as food and nesting cover for birds) through restoration of a piece of Minnesota’s natural heritage—living prairie grasses and wildflowers.
- Improved traffic safety, as vegetation screens headlight glare in curved median areas and delineates the roadway for drivers.
- Creation of an inexpensive and low-maintenance snow fence.
- The ecological benefits of a more diverse, self-sustaining planting without chemicals or mowing.
- A dramatic reduction in mowing and spraying needs.
- Aesthetic improvements to the road and travel experience, which can help reduce driver fatigue and boredom.
- Reduced environmental impacts from maintenance operations.
- Improved water and air quality.

Appendix D – Model Ordinances

Model Ordinance A¹²: MODEL MODIFIED WEED ORDINANCE

A good, fair and workable model "modified weed ordinance" is:

PUBLIC NUISANCE: UNTENDED, RANK AND UNMANAGED VEGETATION

§ 1. PROHIBITION:

Untended, rank and unmanaged growth of vegetation on any property within the City which is visible from any public way, street, sidewalk or alley is declared to be a public nuisance and may be abated in accordance with the procedures set forth in 2-3 of this Ordinance. This prohibition shall not apply to vegetation native to [State or region], provided there is a setback of not less than four (4) feet from the front lot line of vegetation not in excess of eighteen (18) inches exclusive of trees and shrubs.

§ 2. PROCEDURE:

The City shall issue a written citation to a Landowner whose property is in violation of 1 of this Ordinance. This citation shall inform said Landowner of the basis of the citation and shall include the following information: 1) the date of any inspection and the name of the inspector; and 2) the names and addresses of any neighbor(s) of the Landowner or other person(s) who contacted the City or was contacted by the City regarding the alleged violation of 1 of this Ordinance. The Citation shall be adjudicated in accordance with Art.---, of the Municipal Code relating to adjudication of [traffic offenses].

§ 3. ABATEMENT and PENALTY

Upon a finding of guilty in accordance with 2 of this Ordinance, the Landowner shall have twenty-eight (28) calendar days in which to abate the nuisance. If he/she does not so act, the City may take whatever reasonable action is necessary to abate the nuisance. The costs of such abatement shall be assessed against the Landowner and shall constitute a fine, the collection of which may be made pursuant to the provisions of Art. - [relating to imposing a lien on the property].

Model Ordinance B: NATURAL LANDSCAPING ACT

¹² Models A, B, and C found here
<http://www.epa.gov/greenacres/weedlaws/JMLRApndx.html#APPENDIX%20A>

Lorrie Otto's natural landscaping law was edited by David L. Kinnamon, Donald Hagar's attorney, in Milwaukee, Wisconsin

Natural Landscape Act

An ACT to protect private property with natural landscapes, and their restoration in the State. The people of the State of _____, represented in assembly and senate, do enact as follows:

SECTION 1. LEGISLATIVE PURPOSE.

The legislature acknowledges the desirability of permitting and encouraging the preservation and restoration of natural plant communities in urban, suburban and rural areas. It further acknowledges the need to enjoy and benefit from the variety, beauty and values of natural landscaping including freedom from toxic chemicals, and seeks to guarantee the citizens the freedom to employ natural landscaping as a viable and desirable alternative to other conventional modes of landscaping. The legislature recognizes that a limited number of plant species may be serious agriculture pests, or in some instances may adversely affect human health or safety. In these instances it has provided limited remedies by defining the plants which are a threat to the agricultural economy, and the noxious weeds by their Latin and common names.

SECTION 2. NATURAL LANDSCAPING PROTECTED

(1) As used in this section:

(a) "Restoration project" means an area managed to conserve or restore prairie grasses and forms; native trees, wildflowers and shrubs; an old field succession of native and non-native plants; or a combination of the foregoing.

(b) The following plant species are defined as "weeds":

Cirsium arvense (Canada thistle)
Convolvulus arvensis (Field bindweed)
Euphorbia esula (Leafy Spurge)
[the above three species are on the Wisconsin Agriculture list]

Ambrosia artemisiifolia
Psilostachya (Ragweeds)
Trifida

(2) Neither the weed commissioner nor any other agents or employees of any county, city, village or town shall undertake to cause the destruction, cutting or removal of any vegetation on lands within a restoration project except on order of a court of record following a hearing at which it is established either that noxious weeds specifically named in the weed ordinance exist in such restoration project, that a condition creating a clear and present hazard to public health or safety has arisen, or that the project is a threat to the agricultural economy. An action for a court order under this subsection shall be maintained as an action to enjoin a public nuisance. A court order under this subsection shall provide that the destruction, cutting or removal of vegetation shall be selective, unless general destruction, cutting or removal is necessary to eliminate the offending condition.

Model Ordinance C: COLLEGE STATION, TEXAS PROPOSED NATURAL
LANDSCAPE ORDINANCE

The Proposed College Station, Texas Natural Landscape Ordinance has a similar proactive tone and effect:

PROPOSED NATURAL LANDSCAPE ORDINANCE

An Ordinance to promote the use of native vegetation, including native grasses and wildflowers, in managed yards and landscapes to allow the use of such plants in the preservation or restoration of natural plant communities.

Section 1. Legislative Purpose:

It is not the intent of this legislation to allow vegetated areas to be unmanaged or overgrown when such growth provides either a direct health hazard or provides a demonstrated breeding ground for fauna known to create a safety or health hazard. The legislature recognizes that a limited number of species may be indicators of neglect, a condition which may adversely affect human health or safety. Below, the city has specifically defined certain noxious weeds recognized to be indicators of neglect.

The use of wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. Furthermore, native vegetation and native plant communities, on a worldwide basis, are disappearing at an alarmingly rapid rate. The city recognizes the desirability of permitting and encouraging managed natural vegetation within the city limits of College Station while maintaining public health and safety.

Section 2. Definitions:

The following plant species are defined as noxious weeds and do not come within the protection of this ordinance:

<i>Sonchus asper (L.) Hill</i>	Asteraceae	Sow Thistle
<i>Sorghum halepense (L.) Pers.</i>	Poaceae	Johnson Grass
<i>Ambrosia sp.</i>	Asteraceae	Rag Weed
<i>Cenchrus incertus M.A. Curtis</i>	Poaceae	Grass Bur
<i>Rumex crispus L.</i>	Polygonaceae	Curly Dock
<i>Croton capitatus Michx.</i>	Euphorbiaceae	Dove Weed
<i>Chenopodium sp.</i>	Chenopodiaceae	Goosefoot
<i>Amaranthus sp.</i>	Amaranthaceae	Pig Weed
<i>Rhus toxicodendron L.</i>	Anacardiaceae	Poison Ivy
<i>Conyza canadensis (L.) Cronq.</i>	Asteraceae	Horse Weed

The term "managed" as used in this ordinance means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.

Section 3. Managed Natural Landscaping:

It shall be lawful to grow native and naturalized plants to any heights, including ferns, wildflowers, grasses, forbs, shrubs, and trees, in a managed landscape design when said plants were obtained not in violation of local, state, or federal laws. No employee of the city may undertake to damage, remove, burn, or cut vegetation on a managed natural landscape incorporating native plants, except those specifically prohibited herein, and except on order of a court of record following a hearing at which it is established that noxious weeds exist in a managed natural landscape and that a condition creating a clear and present hazard to public health or safety has arisen. An action for a court order under this subsection shall provide that the destruction, cutting, or removal of vegetation shall be selective unless general cutting, destruction, or removal is necessary to eliminate the offending conditional.

Statements of intent:

1. If a complaint is filed by a citizen or the city against a piece of property, the burden or proof lies with the complainant to establish that a health or safety hazard in fact exists. Natural landscapes shall be assumed to be harmless, until proven otherwise.
2. The city shall not act upon anonymous complaints. The property owner shall have the right to face the accuser.
3. This and the unmanaged vegetation ordinance shall be proactively and uniformly enforced, and shall apply to all property not specifically exempted within the city limits.
4. Aesthetic judgments shall not be a consideration nor play any role in determining

non-compliance or compliance with the ordinance.

5. The city shall notify the property owner of their rights of appeal.
6. It shall not be the policy of the city to enter upon private land and to destroy property thereon without due process of law.

Model Ordinance D¹³

Define turf grass, native plantings and noxious weeds. Turf grass (such as, but not limited to bluegrass, fescue, and ryegrass blends) cannot exceed 8 inches

A hearing is required before the municipality takes action. Must prove noxious weeds, threat to public health or safety, threat to agriculture, tall turf grass

Model Ordinance E: Mid-Ohio Regional Planning Commission

Model Weed Ordinance

- Draft - 4/7/2008

Purpose:

A variety of landscapes add diversity and richness to the quality of life in <location>. There are, nonetheless, reasonable expectations regarding the <city or township's> landscape which, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten 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 or township's> or township's> landscapes, whether corporate, private, or public.

The <city or township> recognizes the landowners' interest in having managed turf grass landscapes. At the same time, the <city or township> encourages the preservation, restoration, and management of native plant communities and wildlife habitats within the <city or township> limits. The <city or township> recognizes that the use of wildflowers and other native plants in managed landscapes is economical, reduces maintenance, and effectively conserves water, soil, and other elements of the natural community.

Moreover, the preservation, restoration, and management of native plant communities and wildlife habitats may reduce introduction of toxic pesticides, herbicides, fertilizers, and other pollutants into the environment.

The <city or township> 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.

The <city or township> 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

¹³ Native Plant Preservation Coalition of Wisconsin and Milwaukee Chapter of the National Audubon Society at http://www.for-wild.org/weedlaws/model_ord.html

affect human health or safety, or pose a threat to agricultural activity. It is the express intent of this <city or township> that it shall be lawful to grow native plants, including, but not limited to ferns, grasses, forbs including wildflowers, aquatic plants, trees, and shrubs in a landscape when these plants were obtained in accordance with local, state, and federal laws.

Standards relative to noxious weeds and Invasive Plants

A. Definitions: The following terms shall have the stated meanings.

Landowner: One who owns or controls land within the <city or township>, including the <city or township> itself.

Turf Grass: Grass commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends).

Preservation or Restoration Area: Any lands managed to preserve or restore Ohio's regionally native grasses and forbs, trees, shrubs, wildflowers, and aquatic plants; an old-field succession of native and non-native, non-noxious plants; or, a combination of these.

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

B. Weeds and Invasive Plants: The following plant species are defined as "noxious weeds": Wild Mustard (*Brassica kaber* var. *pinnatifida*), Musk Thistle/Nodding Thistle (*Carduus nutans*), Oxeye Daisy (*Leucanthemum vulgare*), Canada Thistle (*Cirsium arvense*), Poison Hemlock (*Conium maculatum*), Wild Carrot/Queen Annes Lace (*Daucus carota*), Purple Loosestrife (*Lythrum salicaria*), Wild Parsnip (*Pastinaca sativa*), Mile-a-Minute Weed (*Polygonum perfoliatum*), Russian Thistle (*Salsola iberica*) Cressleaf Groundsel (*Senecio glabellus*) Shattercane (*Sorghum bicolor*), Johnsongrass (*Sorghum halepense*) abandoned Grapevines (*Vitis* spp.), Giant Hogweed (*Heracleum mantegazzianum*), Apple of Peru (*Nicandra physalodes*), Marestalk (*Conyza canadensis*), Kochia (*Bassia scoparia*) and Palmer amaranth (*Amaranthus palmeri*). Two species are regulated from sale, offer for sale, or plant seed or plants without a permit issued by the director of agriculture for controlled experiments: (927.682) Purple Loosestrife (*Lythrum salicaria*) and (927.681) Multiflora rose (*Rosa multiflora*).

The following plant species are defined as "Invasive plants" which escape yards and cause harm to natural areas in the <city or township> of <city or township name>: Amur, Morrow and Tatarian Honeysuckle (*Lonicera maackii*, *L. morrowii* and *L. tatarica*), Glossy Buckthorn and Common Buckthorn (*Rhamnus frangula* and *R. cathartica*), Garlic Mustard (*Alliaria petiolata*), Purple Loosestrife cultivars and related hybrids (*Lythrum virgatum* L), Common Reed Grass (*Phragmites australis*), Reed Canary Grass (*Phalaris arundinacea*), Autumn-Olive and Russian- Olive (*Elaeagnus umbellata* and *E. angustifolia*), Japanese Honeysuckle (*Lonicera japonica*), Asian Bittersweet (*Celastrus orbiculatus*), Japanese Knotweed (*Polygonum cuspidatum*), Narrow-leaved and Hybrid Cattail (*Typha angustifolia* and *T. Xglauca*), Eurasian Water-Milfoil (*Myriophyllum spicatum*), Smooth Brome Grass (*Bromus inermis*) Canada Thistle (*Cirsium arvense*), Common and Cut-Leaved Teasel (*Dipsacus fullonum* (*sylvestris*) and *D. laciniatus*), White and Yellow Sweet-Clover (*Melilotus alba* and *M officinalis*), Tree-of-Heaven (*Ailanthus altissima*), Lesser Naiad (*Najas minor*), and Curly Pondweed (*Potamogeton crispus*).

C. Landowners' Rights and Responsibilities: This ordinance shall apply equally to all landowners; including the <city or township> of <city or township name>. Every

landowner having lawns of the conventional turf grass type shall be responsible for managing the turf grass at a height not to exceed 12 inches (Ord. 858-01 §§ 1 (part), 6 (part)). Every landowner must manage vegetated areas in a landscaped fashion so there are no adverse effects to human safety or health. No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall allow previously defined noxious weeds or Invasive plants to remain on the premises and shall be responsible for the destruction of all previously defined noxious weeds or Invasive plants on land that he/she shall own or control. Every landowner has the right to allow vegetation to stand through winter to provide essential elements to the natural ecosystem that maintains local environmental health and to allow snags (dead tree trunks with portions of sound limbs that provide nesting opportunities for native birds) to remain standing that would not pose a safety issue. Owners must keep pavements, gutters, and dedicated portion of the street, alley or easement abutting his or her property clear of all health hazards including

Ragweed allergens, including Common and Giant Ragweed (*Ambrosia artemisiifolia* and *Ambrosia trifida*), plants with dangerously large stickers, Poison Ivy (*Toxicodendron radicans*/*Rhus radicans*), and should shorten all limbs and height of any dead trees to maintain human and property safety.

D. Controls. The <city or township> may not damage, remove, burn, or cut vegetation of any landowner for which the <city or township> does not have management responsibilities, except those species prohibited herein (see SECTION B Weeds and Invasive Plants), and except on order of a court of record following a hearing at which it is established (1) that previously defined noxious weeds or Invasive plants 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 has arisen; or (3) that the condition is a threat to the agricultural economy; or (4) that the conditions of SECTION C, 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. In all such cases, the cost of the undertaking shall be attached to the landowner's tax statement.

Appendix E – Sources for Research and Technical Assistance

Minnesota Pollution Control Agency Hennepin County	Yard and Garden: http://www.pca.state.mn.us/index.php/yard-and-garden.html Sustainably Landscaping: http://hennepin.us/portal/site/HennepinUS/menuitem.c821986e7144921df8735443f8e06498/?vgnnextoid=cc077c4788a93210VgnVCM10000049114689RCRD
United States Environmental Protection Agency	Landscaping with Native Plants in the Great Lakes Region: http://www.epa.gov/greenacres/index.html#How%20to
Minnesota Department of Natural Resources	Minnesota Wildflowers guide: http://www.dnr.state.mn.us/wildflowers/index.html
Minnesota Department of Transportation	Plant Selector: http://dotapp7.dot.state.mn.us/plant/faces/index.jsp
City of Minneapolis	Rain Gardens: http://www.ci.minneapolis.mn.us/stormwater/green-initiatives/rain-garden.asp
Metro Blooms	http://www.metroblooms.org/
Wild Ones	Native Plants, Natural Landscaping: http://for-wild.org/
National Wildlife Federation	Backyard programs: http://www.nwf.org/In-Your-Backyard.aspx

Appendix F – Ordinances in Other Cities

<p>City Chicago¹⁴</p>	<p>Ordinances 7-28-120 Any person who owns or controls property within the city must cut or otherwise control all weeds on such property so that the average height of such weeds does not exceed ten inches.</p>	<p>Enforcement Any person who violates this subsection shall be subject to a fine of not less than \$100.00 nor more than \$300.00. Each day that such violation continues shall be considered a separate offense. If any person has been convicted of violating subsection (a) and has not cut or otherwise controlled any weeds as required by this section within ten days after the date of the conviction, the city may cause any such weeds to be cut at any time. In such event, the person who owns or controls the property on which the weeds are situated shall be liable to the city for all costs and expenses incurred by the city in cutting the weeds.</p>
<p>Madison</p>	<p>Grass/weeds shall be maintained to a height not to exceed eight inches; this includes the terrace. MGO 27.05(2)(f).</p>	<p>When a violation for tall grass or weeds is observed, an Official Notice is mailed to the property owner. The Official Notice will direct the property owner to cut and maintain the grass by a specific due date, usually ten days. When the due date arrives, the inspector will re-inspect the property to ensure compliance. If the tall grass and weeds are cut, the case is closed. If the tall grass and weeds are not cut by the due date, a ticket in the amount of \$172.00 will be issued for the first offense during a season. All additional violations during the season will result in a ticket in the amount of \$298.00</p>
<p>Milwaukee Rochester¹⁵</p>	<p>Exception to eight inch rule possible with prior application and approval of a "Natural Lawn" plan at http://www.cityofmadison.com/BI/NaturalLawn.pdf Natural lawn plan only necessary if grasses over eight inches Over 9" considered "tall grass/weeds" Establishment of prairie, naturalistic and meadow plant communities is an acceptable landscape treatment in the City. Prohibits noxious weeds and grass over 10".</p>	<p>Weed inspector, notice, abatement, actual cost</p>

¹⁴ <http://www.cityofmadison.com/BI/bihome.html#property>
¹⁵ <http://www.rochester.nv.gov/departments/attorney/ordinances/pdf/ord448.pdf>

48.05 Natural Landscape Permits. Natural landscape permits are required if a proposed landscape includes native grasses that exceed or are expected to exceed 10 inches in overall height. Natural landscape permit applications shall be submitted to the Park Department.

Fort Collins¹⁶

Ornamental grasses shall mean any of the following grasses: yellow foxtail (*Alopecurus pratensis*), blue or western wheatgrass (*Agropyron smithii* or *Pascopyrum smithii*), big bluestem (*Andropogon gerardii*), bulbous oatgrass (*Arrhenatherum elatius*), sideoats grama (*Bouteloua curtipendula*), blue grama (*Bouteloua gracilis* or *Chondrostium gracile*), rattlesnake or quaking grass (*Briza media*), feather reed grass (*Calamagrostis acutiflora* or *C. arundinacea*), northern sea oats (*Chasmanthium latifolium*), pampas grass (*Cortaderia selloana*), lemon grass (*Cymbopogon citratus*), tufted hair grass (*Deschampsia caespitosa*), blue Lyme grass (*Elymus arenarius*), sand love grass (*Eragrostis trichodes*), ravenna or plume grass (*Erianthus ravennae* or *Saccharum ravennae*), blue fescue (*Festuca cinerea*, *F. ovina* or *F. glauca*), variegated manna grass (*Glyceria maxima variegata*), blue oatgrass (*Helictotrichon sempervirens*), velvet grass (*Holcus lanatus*), Japanese blood grass (*Imperata cylindrica*), June grass (*Koeleria cristata*, *K. gracilis* or *K. macrantha*), woodrush (*Leymus* spp. or *Luzula* spp.), hairy melic grass (*Melica ciliata*), giant Chinese silvergrass (*Miscanthus floridulus* or *M. giganteus*), Japanese silvergrass (*Miscanthus oligostachys*), silver banner grass (*Miscanthus sacchariflorus*), maiden grass or silvergrass (*Miscanthus sinensis*), moor grass (*Molina caerulea*), mulhly grass (*Muhlenbergia* spp.), Indian ricegrass (*Oryzopsis hymenoides* or *Achnatherum hymenoides*), switchgrass (*Panicum virgatum*), feathergrass (*Pennisetum alopecuroides*), tender fountain grass (*Pennisetum setaceum*), feather top (*Pennisetum villosum*), ruby grass (*Rychelytrum nitidum*), little bluestem (*Schizachyrium scoparium* or *Andropogon scoparium*), autumn moorgrass (*Sesleria autumnalis*), Indian grass (*Sorghastrum nutans* or *S. avenaceum*), cord grass (*Spartina* spp.), frost or graybeard grass (*Spodiopogon* spp.), prairie dropseed (*Sporobolus heterolepis*) and any other species of grass approved by the City Manager that is customarily used for ornamental purposes and not as a turf grass.

¹⁶ <http://www.colorado.com/fcollins/municipal/chapter20.htm#articleiv>

Weed shall mean an aggressive, non-native herbaceous plant detrimental to native plant communities or agricultural lands, including but not limited to jointed goatgrass (*Aegilops cylindrica*), quackgrass (*Agropyron repens*), redroot pigweed (*Amaranthus retroflexus*), common ragweed (*Ambrosia artemisiifolia*), giant ragweed (*Ambrosia trifida*), wild oat (*Avena fatua*), white mustard (*Brassica hirta*), wild mustard (*Brassica kaber*), black mustard (*Brassica nigra*), birdsrape mustard (*Brassica rapa*), marijuana (*Cannabis sativa*), whitetop (*Cardaria draba*), hairy whitetop (*Cardaria pubescens*), sandbar (*Cenchrus longispinus*), diffuse knapweed (*Centaurea diffusa*), spotted knapweed (*Centaurea maculosa*), Russian knapweed (*Centaurea repens*), Canada thistle (*Cirsium arvense*), bindweed (*Convolvulus arvensis*), leafy spurge (*Euphorbia esula*), St. Johnswort (*Hypericum perforatum*), kochia (*Kochia scoparia*), prickly lettuce (*Lactuca scariola*), perennial pepperweed (*Lepidium latifolium*), dalmatian toadflax (*Linaria genistifolia* spp. *dalmatica*), yellow toadflax (*Linaria vulgaris*), purple loosestrife (*Lythrum salicaria*, *Lythrum virgatum* and any combinations thereof), buckhorn plantain (*Plantago lanceolata*), curly dock (*Rumex crispus*), Russian thistle (*Salsola iberica*), horsenettle (*Solanum elaeagnifolium*), black nightshade (*Solanum nigrum*), buffalobur (*Solanum rostratum*), perennial sow thistle (*Sonchus arvensis*), Johnsongrass (*Sorghum halepense*), dandelion (*Taraxacum officinale*), fanweed (*Thlaspi arvense*), puncturevine (*Tribulus terrestris*), cocklebur (*Xanthium strumarium*) and any other type of noxious weeds designated by the Colorado Weed Law or Larimer County Weed District.

Notice followed by abatement by city. Costs to landowner

(c) Except as is provided in Subsection (d) of this Section, it is unlawful for the owner of any property to permit weeds and grasses to grow upon such property to a height of more than six (6) inches; provided, however, that this Subsection (c) shall not be applicable to any ornamental grass so long as it is used solely, or in combination with any other ornamental grass or grasses, as a supplement to the property's overall landscaped area and does not constitute in square footage more than twenty (20) percent of the property's overall landscaped area. (e) It is unlawful for the owner or occupant of any property to permit the growth of noxious weeds as designated by the Colorado Weed Law or Larimer County Weed District, regardless of height.

Big Lake¹⁷

510.02 A Nuisance. Any weeds or grass growing upon any lot or parcel of land, including the lands between the curb line of the street or alley and the property line of private properties to a height greater than one foot, or which are about to go to seed, are

¹⁷ http://www.biglakemmn.org/index.asp?Type=B_BASIC&SEC=%7BB5D193FB-0742-4D92-93B8-C1570CAB01E0%7D&DE=%67BD590F551-90E3-4F96-A103-B2261301C38B%7D

hereby declared to be a nuisance and dangerous to the health, safety and good order of the City, excluding storm sewer holding ponds, storm sewer drainage areas, surface water drainage area, wet lands, shoreline vegetation, nature preserve and other unplatted property.

July 20, 2011

RE: Proposed Changes to City Lawn Regulations

Dear Council Members,

The Minneapolis Citizens Environmental Advisory Committee (CEAC) recently reviewed the proposed changes to City policy and operations regarding tall-grass lawns and managed natural landscapes ("tall lawns"). After careful consideration, including internal debate and multiple discussions with the relevant City staff, CEAC officially endorses the proposed changes.

CEAC also finds that the proposed changes have the potential to positively contribute to a number of the City's GreenPrint Sustainability Indicators:

- ***Stormwater*** and ***Healthy Lakes*** Taller plants have deeper roots. These deep roots help aerate hard urban soils so that they absorb rainfall more quickly. This slows the rush of stormwater runoff (and entrained pollutants) into city lakes and sewers. Native planted yards may also require less watering as well as less pesticide and fertilizer application than conventional turf-grass monoculture lawns.
- ***Air Quality*** Taller plants require less mowing. And gasoline-powered lawn mowers are a significant contributor to local air pollution, including harmful fine-particulate matter. CEAC applauds reasonable steps, like this one, that enable residents to voluntarily reduce their family's exposure to harmful air pollution.
- ***Local Food*** People cannot eat turf grass. But many native and perennial plants are quite tasty when properly prepared (*e.g.*, wild strawberry, lambs quarters, serviceberry). The proposed changes may thus help improve residents' access to healthy, affordable, locally produced food. Like community gardens, well-managed tall lawns also provide valuable habitat for songbirds and help combat climate change by sequestering atmospheric carbon into the soil. (Note, CEAC expresses no opinion at this time as to whether changes to the city's carbon sinks should be incorporated into the Climate Change indicator.)

We believe that the proposed changes are good for the City and its residents. We urge Council Members to adopt them.

CEAC officially adopted this position statement on July 6, 2011. Please contact me if you have any questions or concerns.

Ross Abbey, Chair

Minneapolis Citizens Environmental Advisory Committee

State Prohibited Noxious Weeds

Prohibited noxious weeds are annual, biennial, or perennial plants that the commissioner designates as having the potential or are known to be detrimental to human or animal health, the environment, public roads, crops, livestock or other property. There are two regulatory listings for prohibited noxious weeds in Minnesota:

1. Eradicate List: Prohibited noxious weeds that are listed to be eradicated are plants that are not currently known to be present in Minnesota or are not widely established. These species must be eradicated, meaning all of the above and below ground parts of the plant must be destroyed, as required by Minnesota Statutes, Section 18.78. Additionally, no transportation, propagation, or sale of these plants is allowed. Measures must also be taken to prevent and exclude these species from being introduced into Minnesota.

1. [Yellow Star Thistle, *Centaurea solstitialis* L.](#)
2. [Grecian Foxglove, *Digitalis lanata* Ehrh.](#)
3. [Oriental Bittersweet, *Celastrus orbiculatus* Thunb.](#)

2. Controlled List: Prohibited noxious weeds listed to be controlled are plants established throughout Minnesota or regions of the state. Species on this list must be controlled, meaning efforts must be made to destroy all propagating parts and prevent seed maturation and dispersal, thereby reducing established populations and preventing reproduction and spread as required by Minnesota Statutes, Section 18.78. Additionally, transportation, propagation, or sale of these plants is prohibited.

1. [Leafy Spurge *Euphorbia esula* \(L.\)](#)
2. [Canada Thistle *Cirsium arvense* \(L.\) Scop.](#) EXT
3. [Musk Thistle *Carduus nutans* \(L.\)](#) EXT
4. [Plumeless Thistle *Carduus acanthoides* \(L.\)](#) EXT
5. [Garlic Mustard *Alliaria petiolata* \(Bieb.\)](#) EXT
6. [Purple Loosestrife *Lythrum salicaria, virgatum* \(L.\)](#), EXT
7. [Wild Parshnip, *Pastinaca sativa* L.](#) EXT
8. [Common Tansy *Tanacetum vulgare* \(L.\)](#)
9. [Spotted Knapweed, *Centaurea stoebe* spp. *micranthos*](#)

Restricted Noxious Weeds

Restricted noxious weeds are plants that are widely distributed in Minnesota and are detrimental to human or animal health, the environment, public roads, crops, livestock or other property, but whose only feasible means of control is to prevent their spread by prohibiting the importation, sale, and transportation of their propagating parts in the state except as allowed by Minnesota Statutes, Section 18.82. Plants designated as Restricted Noxious Weeds may be reclassified if effective means of control are developed.

1. [Common or European Buckthorn, *Rhamnus cathartica* \(L.\)](#) EXT
2. [Glossy Buckthorn \(and all cultivars\), *Rhamnus frangula* \(L.\)](#), EXT (*columnaris, tallcole, asplenifolia* and all other cultivars)
1. *safety along rights-of-ways, trails, public accesses, business properties open to the public or on parts of lands where public access for business or commerce is granted. Must also be eradicated or controlled along property borders when requested by adjoining landowners.*

Specially Regulated Plants

Specially regulated plants are plants that may be native species or have demonstrated economic value, but also have the potential to cause harm in non-controlled environments. Plants designated as specially regulated have been determined to pose ecological, economical, or human or animal health concerns. Plant specific management plans and or rules that define the use and management requirements for these plants will be developed by the Minnesota Department of Agriculture for each plant designated as specially regulated. Measures must also be taken to minimize the potential for harm caused by these plants.

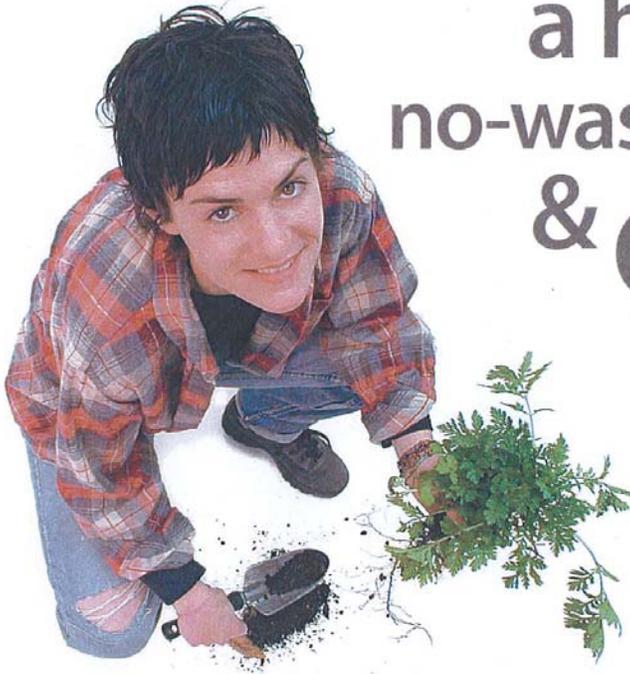
1. [Poison ivy *Toxicodendron radicans* \(Ktze.\)](#) **EXT** *Must be eradicated or controlled for public safety along rights-of-ways, trails, public accesses, business properties open to the public or on parts of lands where public access for business or commerce is granted. Must also be eradicated or controlled along property borders when requested by adjoining landowners.*

County Noxious Weeds

County noxious weeds are plants that are designated by individual county boards to be prohibited within the county's jurisdiction and must be approved by the Commissioner of Agriculture, in consultation with the Noxious Weed Advisory Committee. Each county board must annually submit their proposed County Noxious Weed List to the Minnesota Department of Agriculture for review. Approved County Noxious Weeds shall also be posted with the county's general weed notice prior to May 15th each year. Counties are solely responsible for developing County Noxious Weed lists and their enforcement. [Contact your County Agricultural Inspector or County Designated Employee](#) for more information.



If not you, who?



How to grow a healthy, no-waste **Lawn & Garden**

Caring for all the green and growing things in your yard can have a big effect on how much waste your household creates. From grass trimmings and leaves to pesticides and water, the eco-impact of your lawn and garden can be significant. But it doesn't have to be.

Your lawn and garden's effect on the environment

Lawns and gardens can create a lot of waste and pollution. Organic material, which includes lawn clippings, leaves, and food waste accounts for a significant portion of waste that cities need to manage. Collection and processing takes energy and money. (Yard waste has been banned from landfills in Minnesota since 1992.)

Fertilizers with high phosphorus and nitrogen levels can pollute local watersheds and degrade nearby lakes, streams, wetlands, and rivers. Excess phosphorus and nitrogen promote too much weed and algae growth, choking out fish life and reducing water clarity.

Homeowners — and not farmers — are the biggest consumers of pesticides and herbicides. When overused or misapplied, these chemicals can pose serious risks to animals and people, especially children. They can also kill beneficial earthworms and organisms, disrupting the ecological balance of your lawn.

What can I do?

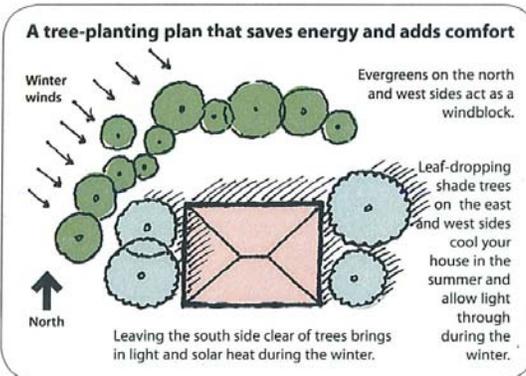
A healthy lawn and garden is the best way to combat weeds and pests. Over-dependence on fertilizers and pesticides may be a symptom of an underlying problem in your lawn and garden.

Growing plants that are appropriate for your soil type, amount of rainfall, and sun exposure greatly decreases the need for fertilizers and pesticides. Native plants often require less water, fertilizer, and pesticides.

Also consider growing plants that can provide habitat, food, water, and shelter to birds and other wildlife.

Planting trees

Your landscaping can also affect your home's energy use. For example, planting shade trees on the east and west sides of the house will keep your home cooler in the summer. Planting a windscreen of evergreens on the northwest side of the house will block winter winds, keeping your home warmer in the winter.



Compost yard waste and other organics

Composting is nature's way of recycling. Organic materials such as leaves and grass are broken down by bacteria and other organisms to provide nutrients and structure to the soil. Composting provides a free soil amendment that you can use to keep your lawn and garden healthy.

How to: Composting can be done in a free-standing pile or a container—homemade or store-bought—which can be made from wire, bricks, or wood. It should be at least three feet deep and three feet in diameter. Add equal parts of carbon (brown materials) and nitrogen (green materials) to your bin. Brown materials can be leaves, straw, cornstalks and sawdust. Green materials can be grass clippings, fruit and vegetable scraps, and trimmings from your garden. Turn your compost frequently to get the pile to decompose quickly and with little odor. Do not add meat, fats, oils, dairy products, or pet feces. Keep your compost moist, like a damp sponge.

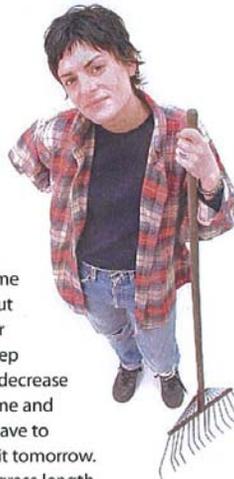
Tips for a no-waste lawn & garden Mow, fertilize, water, and rake less

You don't have to spend so much time maintaining your lawn. Sound incredible? Mowing your yard less, watering it less, fertilizing it less, raking it less, and using no pesticides may be your way to a healthy, environmentally friendly lawn.

- ▶ Mow only enough to keep your grass length to 2½-3 inches high. Mowing your grass to the proper height is the single most important thing you can do to improve the health of your lawn. When you mow, don't rake clippings — leave them on the lawn instead. However, be sure to sweep up your sidewalk, driveway, or street so clippings don't pollute nearby lakes or streams.
- ▶ Get your soil tested to determine the right mix of fertilizer for your lawn. You may need less than you think.
- ▶ Water only when it hasn't rained for seven days and only water in the early morning hours before 10 a.m. Grasses naturally grow slower in the summer so brown grass usually means it's just dormant, not dead.
- ▶ A weed-free lawn is not necessarily a healthy lawn. Weeds can tell you something about what's wrong with your lawn. Identifying your weeds and

treating them accordingly can strengthen the health of your lawn.

Benefits: Take time today to figure out exactly what your lawn needs to keep healthy. This will decrease the amount of time and money you will have to spend caring for it tomorrow. By keeping your grass length longer, the roots of your grass are deeper and can reach more water during dry periods making it less necessary to water. Longer grass also creates more shade and makes it harder for weeds to get established. By leaving your clippings on the lawn, you will fertilize your grass throughout the summer. Controlling weeds by interrupting the cycle of seed production (either by digging them up or cutting off flowering stalks) makes it harder for them to get established in your lawn.



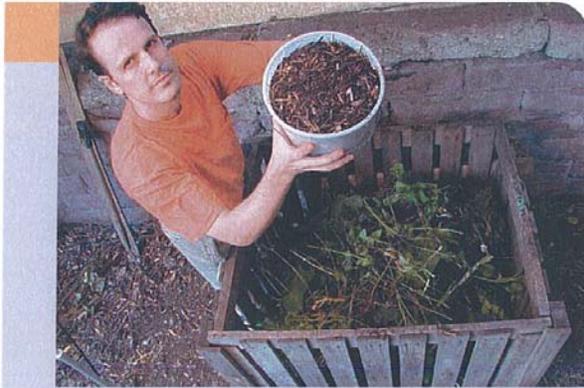
Get your soil tested

All soils are not created equal. Find out what your lawn needs before applying "just any old" fertilizer.

1. Call the University of Minnesota Extension Service at 612-625-3101.
2. Tell them you want to have your soil tested.
3. They will mail you a form to fill out and a bag for the soil sample.
4. You collect the soil sample and mail it to St. Paul along with the form and payment (a regular soil test is \$15).
5. The results are mailed back to you in about 10 days.

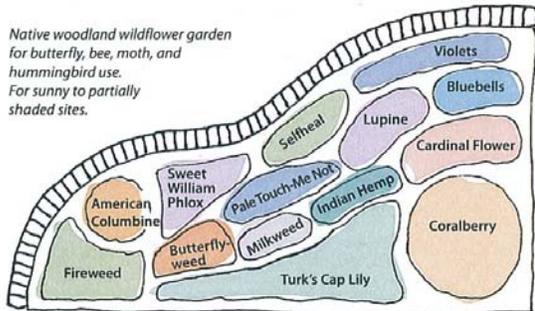
The Extension Service also gets a copy so that they can help you interpret them.

Source: University of Minnesota Extension Service.



Benefits: Backyard composting reduces the amount of waste you create in your yard and kitchen by converting it into a useable soil amendment. Composting saves you time — no more bagging and hauling leaves and grass clippings to the county compost site, or paying your garbage hauler to pick up your yard waste. In Minnesota, it is illegal to mix your yard waste with trash. Adding compost to the soil increases its organic matter, which in turn enhances the soil's ability to hold nutrients and water. Using compost in your lawn and garden reduces dependence on fertilizers. Compost can also make good mulch for new plants.

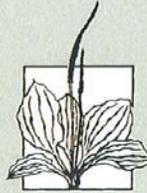
Native woodland wildflower garden for butterfly, bee, moth, and hummingbird use. For sunny to partially shaded sites.



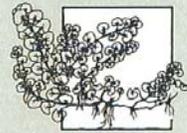
Garden and landscape to encourage wildlife and shade

Your garden and landscape can provide habitat for birds and butterflies as well as save energy. When you plant the right plants given your site, soil type and rainfall, you reduce the amount of pesticides, fertilizer, and water used in your garden. Native Minnesota plants often require less water and fertilizer. The types and location of trees in your yard can reduce heating and cooling costs.

What your weeds are telling you.



▶ Plantain may indicate the soil is compacted or poorly drained.



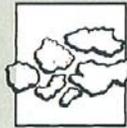
▶ Creeping Charlie may indicate the site is too shady or the soil is poorly drained.



▶ Hawkweed may indicate that the soil is low in nutrients.



▶ Dandelions may indicate that the grass is too thin.



▶ Moss may indicate that the site is too shady or too wet for grass to survive.

Source: The Green Thumb Project sponsored by the Western Lake Superior Sanitary District Zero Discharge Project.

Examples: Get to know your garden site. For example, how long is it exposed to sunlight? What is the soil type? Does the soil hold moisture? What will you keep and what will you take out? How will your plants influence wild native plants, or be influenced by nearby weedy exotics? Once you've answered these questions, you can plant your garden and landscaping to fit your needs and budget. When planting native plants, remember that

continued on back

your garden may take a few years to establish since these plants tend to grow slower.

You can save energy in your home by planting trees for shade on the west and east windows, avoiding trees south of windows. Plant shorter, denser trees, such as firs, to create wind breaks.

Greener Growing

Integrated pest management (IPM) is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

Source: University of California Statewide Integrated Pest Management Project

Benefits: Healthy plants in your garden and landscape create less waste and need less chemicals and water. Planting plants that are native or work well in the conditions of your garden site will reduce the need for fertilizers and pesticides; and you won't have to water as often. Trees planted to reduce energy use in your home are an added bonus.

A checklist for storing household chemicals

Household chemicals such as pesticides and fertilizers become wastes if they're not stored carefully. Follow these easy tips to keep products usable for future projects.

- ▶ Always store chemicals out of reach of children and pets.
- ▶ Never store chemicals near sources of heat, sparks, or flames.
- ▶ Store chemicals in a dry place.
- ▶ Keep chemicals from freezing. However, **DO NOT** store gasoline or other fuels in your house — they're a fire hazard.
- ▶ Store chemicals in their original containers with labels intact.
- ▶ When a container is leaking, place the whole container into a larger one and call your county for disposal advice.

When pesticides and fertilizers are no longer needed, they should be disposed of properly. Call your county solid waste office for information on where you can bring them.

To learn more about what you can do:

www.reduce.org



**Minnesota
Pollution
Control
Agency**

Reduce Waste—if not you, who? was a project of the Minnesota Office of Environmental Assistance • 800-877-6300
March 2009



- * Your county solid waste office is a great resource for waste reduction materials, including local waste and environmental information, education resources, and speakers.

You are fertilizing more than your grass.

The storm drain in your street is a direct link to our lakes and rivers. The choices you make when caring for your lawn directly affect water quality.

A common cause of lake and river pollution is phosphorus runoff. In response to this, many Twin Cities communities have laws restricting phosphorus fertilizer use. Though phosphorus is important for grass growth, levels in most Twin Cities' lawns are naturally high and do not require supplementation.

Phosphorus turns lakes and rivers green. Phosphorus stimulates the growth of algae in lakes and rivers. This crowds out other water plants and reduces oxygen available to fish. The result is unattractive, foul-smelling water that is bad for fish, wildlife, and humans.

Nitrogen, not phosphorus, greens up grass. Phosphorus-free lawn fertilizer still contains nitrogen, the plant nutrient that greens up grass.

To keep our lakes and rivers healthy, we need to manage phosphorus carefully. Read on to learn how you can reduce phosphorus runoff from lawn fertilizers and other sources!

Minneapolis Lawn Fertilizer Ordinance Summary

The use of lawn fertilizers containing phosphorus is not permitted in the City of Minneapolis, except as noted below.

- The use of lawn fertilizers containing phosphorus is permitted on newly established (seed or sod) lawn areas during the first growing season.
- The use of lawn fertilizers containing phosphorus is permitted if a soil test confirms that your lawn area is below recommended levels for phosphorus established by the University of Minnesota Extension Service.

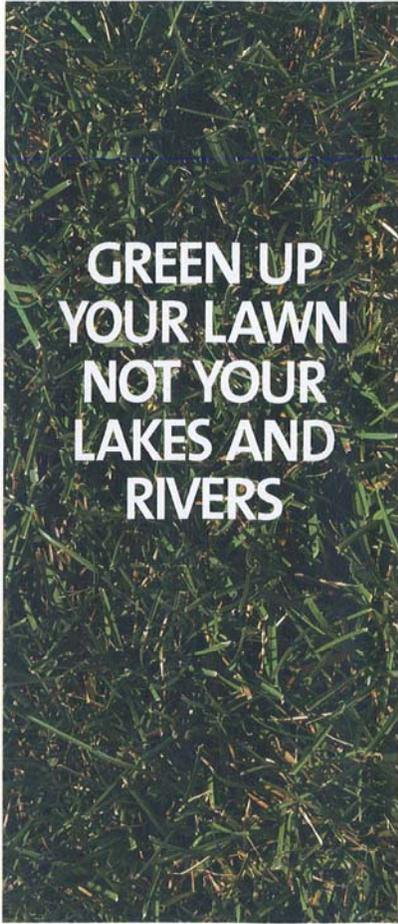
For more information on the ordinance, please call Minneapolis Environmental Management at 612-673-5885. The full text of the Lawn Fertilizer ordinance, Title 3 - Chapter 55, can be found at www.ci.minneapolis.mn.us/cityhall/laws/ordinances.

More information on lawn care and soil testing from the University of Minnesota can be found by calling the Yard & Garden line at 612-624-4771 or at www.extension.umn.edu.

This information is brought to you by:



PRINTED ON PROCESSED-CHLORINE-FREE, 100% POST-CONSUMER, RECYCLED PAPER WITH SOY-BASED INK BY A MINNESOTA GREAT PRINTER. 3/02



**GREEN UP
YOUR LAWN
NOT YOUR
LAKES AND
RIVERS**

Anything that enters a storm drain goes directly to a local lake or river.

It does not go to a waste water treatment facility.

Do you know you live on waterfront property? You do if there is a storm drain nearby! Storm drains carry runoff water directly to lakes and rivers. Whatever washes off your yard and street runs directly into these waters. That includes lawn fertilizer, grass clippings, pet waste, and tree leaves and seeds—all sources of phosphorus, the plant nutrient that turns lakes and rivers green with algae.

Keep your runoff clean!
Keep our lakes and rivers clean!

REMOVE LEAVES FROM THE STREET

- Rake leaves, seeds and grass clippings out of the street and gutter.
- Compost on site, bag for collection, or take to community compost program.



LEAVES END UP IN THE STORM SEWER.

PREVENT EROSION

- Phosphorus attaches to soil. Keep soil from washing into the street.

FERTILIZE THE LAWN, NOT THE LAKES AND RIVERS

- Choose a zero-phosphorus fertilizer. The majority of Twin Cities' lawns are naturally high in phosphorus and will remain healthy without adding more.
- If you think your lawn needs phosphorus, test your soil first. For information call INFO-U at 612-624-2200, message 468 or visit www.extension.umn.edu.
- Sweep spilled fertilizer off paved surfaces.
- Remember, compost and manure contain phosphorus too.



FERTILIZER

LAWN AND PAVEMENT

STORM SEWER

LAKES AND RIVERS

ANIMAL WASTES END UP IN THE STORM SEWER.

GRASS CLIPPINGS END UP IN THE STORM SEWER.

CLEAN UP AFTER PETS

- Scoop the poop. Pet waste contains phosphorus as well as harmful bacteria.
- Don't feed the geese.



KEEP THE PAVEMENT CLEAN

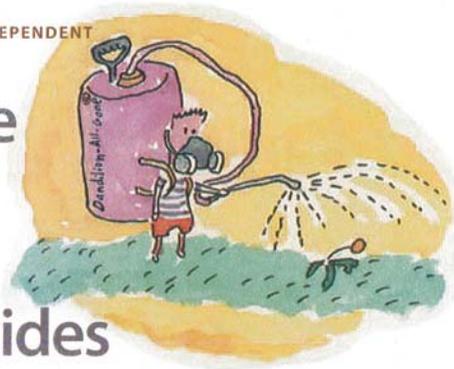
Sweep up grass clippings and fertilizer from driveways, sidewalks, and streets.



Reduce Waste *If not you, who?*

BECOMING LESS CHEMICALLY DEPENDENT

Reduce the need for pesticides and herbicides



Pesticides (which includes insecticides, herbicides, and fungicides) are designed to kill weeds, insects, rodents, and mold. These chemicals can be poisonous and can pose a danger to animals and people, especially children. Keeping pests out of your home and yard in the first place eliminates the need for pesticides—and toxic chemicals.

[* *In order to survive, pests (both the animal and plant varieties) need food, water, and a place to live.*]

In your yard

Keeping your lawn strong and healthy is the best way to care for your lawn without using a lot of pesticides. A strong and healthy lawn will minimize weeds from taking root or insects from causing serious, permanent injury to the lawn. There are several easy steps you can take to maintain a healthy lawn and reduce the need for herbicides.

- **Leave your grass clippings on the lawn.** Grass clippings can provide the equivalent of about one application of fertilizer per year.
- **Use a sharp mower blade** when cutting your lawn to make it less susceptible to disease.
- **Water infrequently, but thoroughly during dry periods** of more than a week or two. Water only about once a week and thoroughly (about 1 inch of water). Avoid watering during strong sun and heat to minimize losses to evaporation. The best time to water is early in the day, before 10 a.m.
- **Test your soil.** Find out what kind of fertilizer, if any, your soil needs. Obtaining a reliable soil test every few years can help you monitor the nutrient needs of your lawn. The University of Minnesota Soil Testing Lab (612-625-3101) charges \$15. Some garden centers also offer testing.



Mow your grass to a height of 2 1/2 to 3 inches.

This is the single most important thing you can do to improve the health of your lawn. By keeping your grass a little longer, the roots grow deeper and can reach more water during dry periods. Longer grass also helps shade the soil surface, making it harder for weeds to get established.

Printed on paper manufactured without the use of chlorine compounds.

w-hhw1-20

In your home

If you're looking for a way to decrease your use of toxic chemicals in your home, take a look at how you handle unwanted pests. The best method to control pests, such as bugs and rodents, inside your home is to keep them out by cleaning up crumbs and spills quickly. Instead of reaching for a can of toxic spray, grab a broom!



Clean up food spills completely.



Store food in tightly sealed containers.



Caulk cracks and weatherstrip windows and doors to eliminate easy paths of entry. Check your foundation for cracks or spaces.



Plumbing leaks and damp basements can be an essential source of water for insects. Get rid of the moisture, and you could solve your bug problem.

In your yard (continued)

- **Use fertilizers with zero phosphorus** unless a specific need is determined by a soil test. Phosphorus (the middle number on a fertilizer bag) should be zero. Careless use of phosphorus fertilizers creates runoff which can pollute nearby lakes, streams, and rivers. Phosphorus causes unhealthy levels of weed and algae growth.



- **Control weeds.** September is the best time of year to treat dandelions, plantain, creeping Charlie, and other perennial broadleaf weeds. Remember the best weed control is a healthy, dense lawn. If the weed invasion seems to be getting worse, find out why the grass is not competitive enough to crowd weeds out. Controlling weeds may be as simple as adjusting your other lawn care practices. Where there are only a limited number of weeds present, consider removing them by hand rather than using an herbicide.



- **Seed.** The best time to reseed bare spots is either early spring or around the middle of August. If deicing salt from sidewalks or roads has caused dead areas, consider reseeding with a more salt-tolerant variety. Always plant grass varieties that are adapted to our area and are appropriate for the way you use your lawn.

- **Aerate your lawn** if soil is compacted or there is significant thatch build-up. You can do this by using a lawn aerator available from most rental stores. Use the type that removes small cores of soil from the ground and places them on the lawn surface. Leave the cores to decompose naturally, contributing to a decrease in thatch, while the holes poked into the ground help improve soil aeration for healthier root systems.

These lawn care tips will help you keep your lawn healthy and less susceptible to disease and weed invasion, meaning you will have less need for herbicides and maybe even less fertilizer.

Fertilize in the fall. Mid- to late-October is a very good time to fertilize your lawn. At this time of year, fertilizer nutrients, including nitrogen, are taken up and stored in the plant where they help provide for healthy spring growth. Most fertilizers require water after application; follow the instructions on the label to ensure best results.



Muscle-powered weed killers

If you have a smaller lawn, weeds can often be managed with mechanical tools. Weeds such as dandelions can be removed easily by digging them up with a fish-tail weeder (right) when the soil is damp. For those who would rather stay off their knees, there are upright pullers such as the Weed Hound™ (left).

For more information about pest and weed control

The **Northwest Coalition for Alternatives to Pesticides** has many free resources on non-toxic pest management, including fact sheets on specific chemicals and alternatives for many kinds of pests at www.pesticide.org/factsheets.html.

The Gardener's Guide to Common Sense Pest Control, by William Olkowski, Taunton Press, 1996.

U.S. Environmental Protection Agency **Pesticide Environmental Stewardship Program** for reduction of pesticide use is found at www.epa.gov/pesticides/.

The **Washington Toxics Coalition** has alternative pest control fact sheets on its web site at www.watoxics.org.

Recent studies on the human health and environmental effects of pesticides

The **Center for Disease Control's** report provides an ongoing assessment of the exposure of the U.S. population to chemicals (including pesticides): www.cdc.gov/exposurereport/.

Pesticide Action Network North America (PANNA) resource page contains reports, studies (use search words "scientific studies"), and a pesticide database at www.panna.org/resources/resources.html.

The Environmental Protection Agency's **Office of Children's Health Protection** has information about environmental health threats to children at <http://yosemite.epa.gov/ochp/ochpweb.nsf/homepage>.

Visit www.reduce.org for lots of ideas about reducing waste and toxic chemicals in your day-to-day life.

[reduce.org](http://www.reduce.org)



Minnesota Pollution Control Agency helps Minnesotans make informed decisions and take actions that conserve resources and prevent pollution and waste to benefit the environment, economy and society. Visit our web site: www.pca.state.mn.us.

April 2008

