

2011-Or-\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By Gordon**

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**Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances  
relating to Health and Sanitation: Nuisances Generally.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 227.90 of the above-entitled ordinance be amended to read as follows:

**227.90. Offensive conditions and vegetation declared.** *(a) In general.* 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. Except as part of a managed natural landscape as defined in this section, ~~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.

*(b) Right to install and maintain a managed natural landscape.* An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules and ordinances, install and maintain a managed natural landscape.

(1) Definitions.

Managed natural landscape means a planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings.

Meadow vegetation means 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, not including noxious weeds.

Noxious weed shall have the meaning assigned by Minnesota Statutes, Section 18.77, Subd. 8.

Ornamental plants means grasses, perennials, annuals and groundcovers purposefully planted for aesthetic reasons.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes and rivers.

Turf-grass lawn means a lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than (8) inches.

(2) Findings. The city council finds that the installation and maintenance of managed natural landscapes is beneficial to the city's environment and its residents and serves to further adopted city goals in that managed natural landscapes require fewer potentially harmful and costly inputs, improve stormwater retention, increase water quality and biodiversity, reduce greenhouse gas emissions, and provide habitat for wildlife such as birds, butterflies and other beneficial insects and species.

(3) Requirements.

- a. Managed natural landscapes may include plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation.

- b. Managed natural landscapes may not include any plantings, 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.
- c. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.

**BROOKLYN, MN****§ 97.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions apply:

**ABATE** . To put a stop to or put an end to a nuisance.

**BUFFER STRIP**. A managed strip of land used to separate differing landscapes and to minimize the impact to adjacent land uses. A buffer strip may include low-growing vegetation and grasses less than eight inches in height, mowed turf-grass, wood chips, rock, landscape edging, trees and shrubs.

**CITY MANAGER** . The City Manager or the City Manager's designee.

**CITY TREE INSPECTOR** . A person or persons appointed by the City Council who is certified by the Minnesota Commission of Agriculture to plan, direct, and supervise all requirements for controlling shade tree diseases throughout the designated disease control area.

**CONTROL** . To destroy the above ground growth of noxious weeds by a lawful method that prevents the maturation of noxious weed propagating parts and their spread from one area to another.

**DISEASE CONTROL AREA** . The entirety of Brooklyn Park is designated a disease control area in which this shade tree disease ordinance and control procedures shall be enacted.

**DISEASED TREE**. Any tree within the disease control area diagnosed with any of the shade tree diseases as defined by the Commissioner of Agriculture.

**ERADICATE** . To destroy the above ground growth and the roots of noxious weeds by a lawful method that prevents the maturation of noxious weed propagating parts and their spread from one area to another.

**GRASS** . Grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue, rye grass blends, or other similar grasses.

**HAZARD TREE** . Any tree with a condition or in a location that constitutes a hazard to life or property.

**MANAGED NATURAL LANDSCAPE**. A planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, prairie or meadow vegetation, and ornamental plantings.

**MEADOW OR PRAIRIE 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.

**NOXIOUS WEED** . Any plant which is identified by the State Commissioner of Agriculture as a noxious weed pursuant to M.S. § 18.77, Subd. 8 or as a county noxious weed pursuant to M.S. § 18.771(e).

**ORNAMENTAL PLANTS**. Grasses, perennials, annuals and groundcovers purposefully planted for aesthetic reasons.

**PUBLIC NUISANCE** . Any noxious weed as defined by M.S. § 18.77, Subd. 8, tree, or any other vegetation which endangers public health, safety, or welfare or which is in violation of city, county, state or federal laws.

**RAIN GARDEN**. A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes and rivers.

**SHADE TREE DISEASE** . Dutch Elm Disease caused by *Ophiostoma ulmi* [formally *Ceratocystis ulmi*] or Oak Wilt caused by *Ceratocystis fagacearum* or any other disease identified and designated as a shade tree disease by the Minnesota State Commissioner of Agriculture.

**SHADE TREE PEST**. Any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the Commissioner of Agriculture to be harmful, injurious, or destructive to shade trees or community forests.

**STREET TREE** . Any tree planted in the public right-of-way.

**TREE**. Any woody plant, having a single woody trunk(s) and a potential diameter of two inches or more.

**TURF-GRASS LAWN**. A lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of less than eight inches.

**WEED**. Any noxious weed, buffalobur, burdock, common cocklebur, crabgrass, dandelions, jimsonweed, quackgrass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden.

(‘72 Code, § 1020:00) (Ord. 1998-871, passed 4-13-98; Am. Ord. 2002-973, passed 5-28-02; Am. Ord. 2014-1170, passed 5-27-14)

**§ 97.20 WEED AND GRASS MAINTENANCE AND ELIMINATION; DUTY OF OWNER.**

(A) In determining whether a violation of this chapter exists, the following factors must be considered by the City Manager or designated agent:

(1) The weeds or grasses endanger the public health, safety, or welfare including whether the weeds or grasses create a general aesthetic depreciation of the neighborhood; or

(2) The weeds are noxious as defined herein.

(B) If a violation is declared, it is the duty of every owner of property including property abutting any public street or alley to cause all grass and weeds to be kept cut to the center of such platted street or alley, including the public boulevard. **If the grass or weeds in such a place are eight inches or more in height it is prima facie evidence of a violation of this chapter.**

(C) **Exemptions.** The following items are exempted from the grass and weed requirements in this chapter:

(1) The portion of any privately or publicly-owned lot or tract of land in the city that contains a ponding area, drainage way, or public water wholly or partially within its legal boundary.

(a) The owner of the property described in (C)(1) may establish a strip of vegetation between the normal water level and the high water level along the ponding area, drainage way, or public water of not more than 20 feet. This strip of vegetation may be allowed to grow to any height and will not be declared a nuisance under this chapter. However, the owner of the property is required to control or eradicate noxious weeds. No grasses or weeds below the normal water level of the ponding area, drainage way or public water will be declared a nuisance under this chapter.

(2) The portion of any privately or publicly-owned lot or tract of land in the city that contains an area with side slopes of 25% or greater wholly or partially within its legal boundary.

(3) Parks and natural areas owned by the city and rights-of-way owned and maintained by the county and state.

(4) **Any area established as a managed natural landscape:**

(a) Managed natural landscapes may include plants and grasses eight inches or more in height and which have gone to seed, but may not include any weeds or noxious weeds and must be maintained so as to not include unintended vegetation; and

(b) Managed natural landscapes may not include any plantings, 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 other applicable sections of city code; and

(c) The area is established and maintained in accordance with generally accepted practices; and

(d) Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state; and

(e) A buffer strip not less than three feet from side and rear property lines must be maintained when a managed natural landscape covers more than 25% of the landscaped area of the entire yard. A buffer strip is not, however, required if:

1. A fully opaque fence at least four feet in height is installed along the lot line adjoining the managed natural landscape area;

2. The adjacent property is not being used for residential purposes; or

3. The adjacent residential property also contains a managed natural landscape area covering more than 25% of the landscaped area of the entire yard.

(f) That while a managed natural landscape is being established and covers more than 25% of the landscaped area of the entire yard, a sign must be posted on the property in a location likely to be seen by the public, advising that a managed natural landscape is being established. The sign must be no smaller than eight inches square and no larger than one foot square, displayed no higher than three feet, and set back five feet from the property line. If the managed natural landscape covers less than 25% of the landscaped area of the entire yard a sign is not required.

(5) Pasture land that is currently being used for the exercise or feeding of domestic hoofed animals and is surrounded by a permanent fence that separates the pasture from property used for other purposes, is at least five acres in size, and undeveloped with any habitable building.

(6) Vacant parcels of land larger than five acres in size, (undeveloped with any habitable building) with a physical barrier to separate the vacant land from developed adjacent properties. If a physical barrier does not exist, a 15-foot transition strip of land on that property which is mowed or otherwise maintained is required next to the developed adjacent properties. A 15-foot transition strip must also be mowed and maintained along all public right-of-ways, streets, trails and alleys.

(7) Platted lots located in subdivisions where 50% or less of the lots have been developed provided:

(a) A 15-foot transition strip must be mowed and maintained along all public right-of-ways, streets, trails and alleys.

(b) Vacant lots located adjacent to developed properties must comply with this chapter.

(8) The portion of any privately or publicly owned lot or tract of land in the city that contains a wooded area as determined by the City Manager or designated agent.

('72 Code, § 1020:00) (Ord. 1983-439(A), passed 10-24-83; Am. Ord. 1998-871, passed 4-13-98; Am. Ord. 2002-973, passed 5-28-02; Am. Ord. 2010-1112, passed 4-5-10; Am. Ord. 2014-1170, passed 5-27-14) Penalty, see § 10.99

**BLOOMINGTON, MN**

(4) Sound shall not be issued within 100 yards of schools or churches.

(5) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(6) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound truck and so that the sound is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(7) No sound amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.

(1958 Code, § 95.02) (Ord. 63-14, passed 6-24-1963)

**§ 10.35 COMMERCIAL ADVERTISING BY SOUND TRUCK.**

(a) *License required.* No person shall operate, or cause to be operated, any sound truck in the city for commercial advertising purposes with sound amplifying equipment in operation unless a license has been obtained from the City Clerk. The fee for the license shall be as detailed in § 14.03 of this code.

(b) *Application for license.* Persons applying for the license shall file with the City Clerk an application in writing giving in said application the information required in the registration statement under § 10.34 of this Article V.

(c) *Issuance of license.* The City Clerk shall issue a license upon payment of the required license fee if the application shows that the licensee complies with the regulations and requirements of § 10.34 of this Article V and other provisions of the city code.

(d) *Possession and display of license.* A licensee shall keep such license in his or her possession in the sound truck during the time the sound truck's sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any police officer of the city upon request.

(e) *Regulations for use.* No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in violation of the regulations set forth in § 10.34(d) of this Article V.

(1958 Code, § 95.03) (Ord. 63-14, passed 6-24-1963; Ord. 99-5, passed 3-15-1999)

**§ 10.36 PENALTY.**

Violation of any provision of this Article V shall be a misdemeanor.

(1958 Code, § 95.04) (Ord. 63-14, passed 6-24-1963; Ord. 77-68, passed 10-3-1977)

**ARTICLE VI: WEEDS AND BRUSH****§ 10.37 DEFINITIONS.**

The following words or terms, when used in this Article VI, shall have the following meanings, unless the context clearly indicates otherwise.

**BRUSH.** Includes parts of plants, such as but not limited to, twigs, tree and shrub branches. **BRUSH** does not include firewood and construction material.

**WEEDS.** Includes all noxious weeds as defined by the statutes of the state and all such useless and troublesome plants as are commonly known as weeds to the general public including volunteer and scrub trees or shrubs.

(1958 Code, § 163.08(1)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 2009-3, passed 2-2-2009; Ord. 2011-16, passed 8-1-2011)

### § 10.38 NUISANCE.

(a) *Weeds and grass.* All weeds or growing grass upon any lot, parcel of land or adjacent right-of-way area in the city to a height greater than eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and a detriment to the good order of the city with the following exceptions:

(1) Native prairie and long grass areas shown on an approved landscape plan in accordance with § 19.52;

(2) Native prairie and long grasses within a defined landscape area on a single- or two-family residential parcel, provided that such defined landscape area:

(A) Occupies no more than 50% of the pervious surface area of the parcel excluding natural wooded areas, wetlands, water bodies, rain gardens, lakescaping and scenic easements;

(B) Is set back from property lines by at least five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area, a wetland, pond, lake or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area; and

(C) Is maintained at least once per year through mowing or, if appropriate permits are obtained through the City Fire Marshal, burning.

(3) Natural wooded areas;

(4) Wetlands, ponds or rain gardens;

(5) Lakescaping areas as defined in § 19.03; and

(6) Areas where mowing is prohibited by easement or law.

(b) *Brush.* All brush piles not properly stored in a closed container upon any lot or parcel of land in the city are hereby declared to be a vermin haborage and attractive nuisance and dangerous to the health, safety and good order of the city with the following exceptions:

(1) Brush piles located near the street or other specific area for pickup or collection for a period of time of less than one week;

(2) Brush accumulations from a large storm event where it is not reasonable that brush be collected in a week or less; and

(3) Brush that has fallen in natural wooded or wetland areas or yards.

(1958 Code, § 163.08(2)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 2004-44, passed 11-15-2004; Ord. 2009-3, passed 2-2-2009; Ord. 2015-15, passed 5-18-2015; Ord. [2018-13](#), passed 6-4-2018)

### § 10.39 NOTICE.

(a) When the owner or occupant or both permit a nuisance to exist in violation of § 10.38 of this Article VI, the Environmental Health Manager, or designated employee, shall serve a notice on the owner, occupant or agent of the owner of such lot or parcel of land ordering such person to have such brush, yard waste or weeds or long grass cut and removed, or removed within seven calendar days after the service of such notice; such notice shall also state that in the event of noncompliance, removal will be done by the city at the owner's expense. The notice of the cost of abatement shall also inform the owner of the owner's right to appeal the fee under § 1.17 of the city code.



(b) Such notice shall be deemed to be properly served if a copy thereof is:

(1) Delivered personally;

(2) Sent by first-class mail addressed to the person who is listed by the County Auditor as the owner of tax payer record. If the tax payer's address is different than the address where the violation exists, then the notice shall also be mailed to the property address where the violation exists; or

(3) If the notice is returned showing that the letter was not delivered or the property is known to be vacant, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(1958 Code, § 163.08(3)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 2008-15, passed 5-5-2008; Ord. 2009-3, passed 2-2-2009; Ord. 2012-2, passed 1-23-2012; Ord. 2015-15, passed 5-18-2015; Ord. [2016-24](#), passed 10-24-2016)

#### **§ 10.40 ASSESSMENT.**

(a) If any person fails to comply with the notice provided in § 10.39 of this Article VI within seven calendar days after service, or if no owner, occupant or agent can be found, the Environmental Health Manager, or designated employee, shall have such brush, yard waste, long grass or weeds cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. On or before October 1 of each year, the amount so charged, including the administrative and inspection charges due under subsections (b) and (c) below, together with interest thereon at the maximum lawful rate permitted under M.S. Chapter 429, as it may be amended from time to time, against said lot or parcel of land, together with a description of the premises and the name of the supposed owner, shall be certified to the County Auditor and shall be collected in the same manner as taxes or special assessments against said premises. The charge shall be a perpetual lien on the premises until paid.

(b) The administrative assessment charge is \$50.

(c) An inspection charge of \$100 shall be due upon the mailing of the city invoice to the property owner.

(1958 Code, § 163.08(4)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 81-18, passed 5-4-1981; Ord. 2009-3, passed 2-2-2009; Ord. 2015-15, passed 5-18-2015; Ord. [2016-24](#), passed 10-24-2016; Ord. [2019-26](#), passed 5-20-2019)

#### **§ 10.41 PENALTY.**

Failure or neglect to cut and remove or otherwise eradicate weeds or grass or remove yard waste and brush as directed in this Article VI; failure, neglect or refusal to comply with any provision of any notice provided herein; violation of any provision of this Article VI; or resisting or obstructing the Environmental Health Manager, or designated employees and contractors in the cutting and removal, or eradication of weeds or long grass, or removal of yard waste or brush shall be a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(1958 Code, § 163.08(5)) (Ord. 208, passed 10-15-1959; Ord. 246, passed 9-19-1960; Ord. 63-23, passed 7-1-1963; Ord. 77-68, passed 10-3-1977; Ord. 2009-3, passed 2-2-2009)

#### **§ 10.42 SEVERABILITY.**

In any case any section of this Article VI is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of the Article VI shall continue in full force.

(1958 Code, § 163.08(8)) (Ord. 208, passed 10-15-1959; Ord. 2009-3, passed 2-2-2009)



AUSTIN, TX

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## WILDLIFE AUSTIN

Wildlife Austin promotes the creation and conservation of wildlife habitats through community-wide collaboration and public education, and helps bridge existing city initiatives that encourage a well balanced and healthy urban environment for people and wildlife. Austin has a long track record of being dedicated to preserving and enhancing our environment. All of us have an important role to play! We all can make a profound contribution to keep Austin wild!

## Newsletter

Features: Living in a WUI: Firewise Landscaping in Wildlife Habitats, In Season Recipe, Fall Habitat and Urban Forest Steward Training. View [archived newsletters](#).

## Program History

In March 2007, the City of Austin passed a council resolution to obtain [National Wildlife Federation \(NWF\)](#) community level certification. On March 12, 2009 Austin realized that goal and was recognized as a certified community during the Community Wildlife Habitat Certification Ceremony. To date, the City of Austin has 2,154 certified wildlife habitats and the number is steadily increasing. You can be part of that momentum! Wildlife Austin has a certain number of prepaid applications to help you get certified! They are given out first come, first serve. Please [e-mail us](#) with your mailing address if you are interested.

The [Community Wildlife Habitat](#) project is part of the National Wildlife Federation's Certified Wildlife Habitat™ program. These projects benefit the entire community through education, outreach and promoting the use of native plants and landscaping to develop natural habitats that attract wildlife and birds, use little or no fertilizer and require modest watering.

Please click on these links to view a map of [All Certified Habitats](#) and [2014 Certified Habitats](#). Our City continues to demonstrate national leadership with our continued commitment to Keeping Austin Wild!





## Resources

- [Gardening for Wildlife \(pdf\)](#)
- [Habitat Projects](#)
- [Neighborhood Habitat Challenge - coming soon!](#)
- [Resources](#)
- [NWF Website - Get Certified Today!](#)
- [Park Rangers](#)

## Council Resolutions Related to Wildlife Austin Work

- [Monarch Habitat and Milkweed Resolution 20150514-004](#)
- [Affirmative Defense for Native Tall Grasses Resolution 20110804-024](#)
- [Community Wildlife Habitat Certification Resolution 20070308-028](#)

## VIDEO

Grow Green: Habitat Gardening



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**RESOLUTION NO. 20150514-004**

**WHEREAS**, a core principle of the *Imagine Austin Comprehensive Plan* is the integration of nature into the city; and

**WHEREAS**, Austin residents have embraced the value of a healthy, environmentally friendly city, borne out by the National Wildlife Federation's recent recognition of Austin as the top-ranked city for wildlife in the country; and

**WHEREAS**, Austin has long been a stop for the North American monarch butterfly on its legendary migratory path of thousands of miles over several generations to and from Mexico each year, with Texas serving as one of the most important spring and fall habitat areas for the species; and

**WHEREAS**, the monarch butterfly became the State Insect of Texas by a 1995 resolution adopted by the Texas Legislature; and

**WHEREAS**, scientific studies point to the rapid decline of the monarch butterfly due to the loss of milkweed habitat needed to lay their eggs and for their caterpillars to eat, resulting from development, land management practices, and chemically-aided agriculture in the United States and Canada; and

**WHEREAS**, because the decimation of pollinators, including the North American monarch, which serves as an iconic species, has potential negative consequences for natural ecosystems as well as for human food production, the U.S. Fish and Wildlife Service is currently studying the species to determine if it should be listed under the Endangered Species Act; and

**WHEREAS**, on a national level and in Austin, the National Wildlife Federation and the U.S. Fish and Wildlife Service has undertaken efforts to

reinvigorate milkweed and other nectar-producing plants to help restore monarch habitat in open spaces and suburban and urban gardens; and

**WHEREAS**, because there are many different species of milkweed in the U.S., it is important to recognize that only native milkweed is vital to the restoration and survival of the monarch habitat in Texas; and

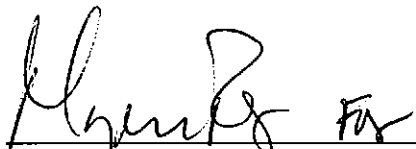
**WHEREAS**, the National Wildlife Federation and the U.S. Fish and Wildlife Service are encouraging communities up and down I-35 to plant native milkweed where appropriate and valuable nectar plants; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager is directed to collaborate with the local offices of the National Wildlife Federation and the U.S. Fish and Wildlife Service and initiate a process for incorporating the cultivation of native milkweed where feasible into the city's landscape portfolio at Austin City Hall, city-owned buildings and properties, as well as the city's vast preserve lands, parks, and open spaces.

**ADOPTED:** May 14, 2015

**ATTEST:**



Jannette S. Goodall  
City Clerk

**RESOLUTION NO. 20110804-024**

**WHEREAS**, on March 8, 2007, the Austin City Council passed Resolution No. 20070308-028 which proclaimed that it is the will of the City Council that Austin become certified as a National Wildlife Federation (NWF) Community Wildlife Habitat; and

**WHEREAS**, in March of 2009 Austin became the largest metropolitan area in the country and the first city in Texas to be certified by NWF as a Community Wildlife Habitat; and

**WHEREAS**, the code of ordinances does not allow the accumulation of weeds or grass more than 12 inches tall on a person's property or in the area from the person's property line to the adjacent curblin; and

**WHEREAS**, the code of ordinances also allows the director of the Solid Waste Services Department to determine if "unsightly" conditions exist on a property; and

**WHEREAS**, providing ground cover, meadows and native understory vegetation are all ways of providing cover for wildlife as well as places for them to raise their young and are criteria used by NWF to determine if a yard meets their habitat requirements; and

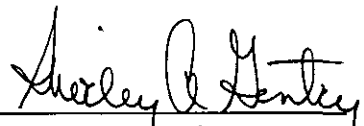
**WHEREAS**, what might be considered “weeds” or “unsightly” by some residents, Code Enforcement Officers or the Director of the Solid Waste Services Director is actually an integral part of providing suitable wildlife habitat; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager is directed to work with the relevant City departments and community stakeholders to identify those elements in the City code of ordinances which may be in conflict with the Wildlife Habitat Certification program and recommend to Council any necessary amendments to resolve those conflicts.

**ADOPTED:** \_\_\_\_\_, 2011

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



**RESOLUTION NO. 20070308-028**

**WHEREAS**, the Austin Climate Protection Plan contains a component identified as the Community Plan that will develop a comprehensive plan for reducing GHG emissions from sources community wide; and

**WHEREAS**, natural spaces and native landscapes provide sinks for sequestration of GHG emissions; and

**WHEREAS**, native landscapes require significantly less maintenance, thereby reducing GHG emissions and other pollution from motorized lawn care equipment; and

**WHEREAS**, the City of Austin Water Conservation Task Force has identified the use of native plants and native landscaping as important to water use reduction efforts in the proposed City of Austin Water Conservation Program; and

**WHEREAS**, the use of native plants and native landscaping result in protecting and enhancing the wildlife that contributes to a sustainable and healthy Austin environment, and

**WHEREAS**, community education is a fundamental part of getting the community of Austin to support ongoing clean air, clean water and water conservation initiatives, and



**WHEREAS**, the National Wildlife Federation is preeminent nationally in areas of education and assistance to the public in developing, and advocating for, natural areas, native landscapes and the creation of animal habitat; and

**WHEREAS**, the National Wildlife Federation Habitat Community Certification program provides an excellent template for implementing sound natural space, native landscape and habitat development programs; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That it is the will of the City Council of the City of Austin that Austin become certified as a National Wildlife Federation Community Wildlife Habitat.

**BE IT FURTHER RESOLVED:**

That the Council directs the City Manager to appoint a National Wildlife Federation Community Habitat Team and Team Leader and to register a City of Austin Habitat Community Project with the National Wildlife Federation; and

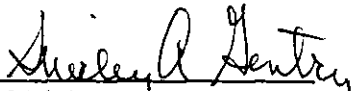
**BE IT FURTHER RESOLVED:**

That the Council directs the City Manager to return to Council in 60 days after the formation of the Community Habitat Team with a draft

certification plan for the City of Austin and a report on any anticipated expenses related to completing this Certification Plan for approval and adoption by Council.

**ADOPTED:** March 8, 2007

**ATTEST:**

  
Shirley A. Gentry  
City Clerk

25-2018

**EXECUTIVE ORDER NO. 10 OF 2018 (AS AMENDED)**

WHEREAS, the County Executive has determined to amend the provisions of Executive Order No. 10 of 2018, dated September 27, 2018 as follows:

WHEREAS, Westchester County government has the opportunity to preserve its natural heritage as well as promote sustainable landscapes by choosing native plants, i.e., plants native to the County of Westchester and the Northeast; and

WHEREAS, native plants enhance the beauty of the landscape, maintain and restore biodiversity, support native pollinators, butterflies, and birds, and protect local ecosystems and environmental health; and

WHEREAS, native plants enrich the soil by helping rain percolate into the soil through their root systems, thereby reducing erosion and water irrigation requirements and filtering storm water runoff, which, in turn, improves water quality; and

WHEREAS, native plants minimize maintenance costs and the need for chemical applications; and

WHEREAS, native plants have historical and cultural interest that help promote Westchester County's regional identity; and

WHEREAS, landscape demonstration projects promote public awareness and education and can be a catalyst for the general public to use native plants in private and commercial landscaping;

WHEREAS invasive, non-native plants threaten the natural heritage and identity of Westchester County and New York State, disrupt the ecology of natural ecosystems, displace native plant and animal species, and degrade our unique and diverse biological resources; and

WHEREAS, New York State has passed regulations prohibiting and regulating certain invasive species;

**NOW, THEREFORE, I, GEORGE LATIMER** as County Executive of the County of Westchester, do hereby order and direct to each and every department, board, agency, and commission of the County of Westchester, under my jurisdiction, as follows:

**RECEIVED**

SEP 28 2018

TIMOTHY C. IDONI  
COUNTY CLERK  
COUNTY OF WESTCHESTER

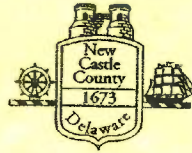
1. Plant materials native to Westchester County and the Northeast or their cultivars shall be used exclusively in designing, planting, maintaining, and managing the landscape features of all County roadsides, parks, public areas, and other County properties and facilities.
2. Plans and specifications for any Westchester County contract involving landscaping and/or plantings shall, where practicable and appropriate, require the use of native plants.
3. All plant species listed as Prohibited and Regulated in New York State's NYCRR PART 575 Invasive Species Regulations shall be prohibited in all Westchester County parks and on all other County lands, along County roadsides, and in gardens surrounding County buildings, and where possible, these species shall be eradicated from County parks and other lands, as well as along County roadsides and in gardens surrounding County buildings.
4. Appropriate site and soil analyses shall be performed, matching plant characteristics with site and soil conditions, to ensure success of the planting of native plants.
5. Site design and construction as well as plant selection shall incorporate considerations such as biological needs, low maintenance, low water usage, character of plant communities at project sites, and minimal need for fertilizers and pesticides.
6. The public shall, through various means, be educated about the importance of native plants to the Westchester County landscape.
7. Outdoor demonstration projects exhibiting and promoting the benefits of native species and environmentally sound landscaping practices shall be created and maintained in Westchester County parks and parkway rest areas, at the County office building, and at Westchester Community College.
8. Public/private partnerships with educational institutions, arboreta, commercial nurseries, botanic gardens, and garden clubs shall be encouraged to increase the availability of native plants, and share knowledge about their use, maintenance and propagation.
9. This Executive Order shall apply in all instances unless the Department of Planning or the Department of Parks, Recreation and Conservation determines that no native plant fits the ecological niche in which case plants that are non-invasive and beneficial to wildlife may be permitted in place of native plants.

10. This Executive Order shall take effect immediately and shall remain in full force and effect until otherwise superseded or revoked.

A handwritten signature in cursive script, appearing to read "George Latimer", is written over a horizontal line.

GEORGE LATIMER  
Westchester County Executive

Dated: September 28, 2018  
White Plains, New York



## EXECUTIVE ORDER 2018-10

WHEREAS, the sustainability of New Castle County's (the "County's") biodiversity and local ecology is important to the quality of life of all County residents; and

WHEREAS, research by the University of Delaware establishes that Delaware's local ecology is suffering from the extinction and extirpation of local plants and animals, including 31% of its reptiles and amphibians, 20% of its fish species and 34% of its dragonflies; and

WHEREAS, the population of many of Delaware's bird species has decreased almost 50% over the past 50 years; and

WHEREAS, 40% of Delaware's native plant species are threatened or have been extirpated; and

WHEREAS, the loss of species and biodiversity in ecosystems decreases watershed management (water quality and flood control), reduces pollinators, reduces carbon sequestration and reduces soil enrichment; and

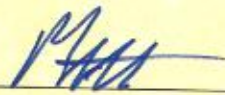
WHEREAS, New Castle County Code Section 40.23.280 prohibits the use of invasive exotic species in new development and provides a list of recommended native plant species; and

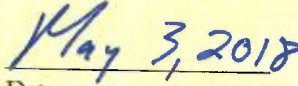
WHEREAS, the County owns and maintains over 6,000 acres of parkland and open space in addition to property surrounding over 50 County facilities; and

WHEREAS, the use of native plant species on County land and the promotion of native species County-wide increases biodiversity, improves the local ecology and controls the proliferation of invasive species which pose significant environmental threats and economic threats to resource-based industries and agricultural economy

THEREFORE, I, the County Executive of New Castle County Matthew Meyer, direct that the following procedure be implemented:

1. The County shall use only native plant species in the development of new landscaped areas and in the rehabilitation of existing landscaped areas on County property such as parks and landscaped areas surrounding buildings.
2. County departments shall encourage the integration of native vegetation in new and existing landscaped areas County-wide to prevent the introduction of exotic species into the natural landscape.
3. This Executive Order shall become enforceable immediately upon signature by the New Castle County Executive. This Executive Order will remain in effect until and unless rescinded by subsequent order of the New Castle County Executive.

  
 Matthew Meyer  
 New Castle County Executive

  
 Date



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

The Common Council of the City of \_\_\_\_\_ do ordain as follows:

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

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

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

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

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



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

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

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

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

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

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

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