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Subject: Proposed Ordinance Changes: Native Tall Grass Lawn Area Property Maintenance
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Attachments: [WildOnesMadison_Natural Lawns Ordinance Proposed Changes Response.pdf](#)

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Hello,

I am writing on behalf of our local Wild Ones chapter in reference to an upcoming July 2nd meeting agenda item: Native Tall Grass Lawn Area Property Maintenance.

Our group is a local chapter of Wild Ones, a national 501(c)(3) non-profit organization whose mission is to promote native landscapes through education, advocacy, and collaborative action. Our chapter supports the greater Madison, WI area and we want to make sure our voices are heard relating to the proposed "Native Tall Grass Lawn Area" ordinance that will be up for approval at the July 2nd Common Council meeting.

We strongly oppose the proposed changes. We've drafted an official response to the proposed changes and would very much appreciate your time in reading it and considering our comments and recommendations.

Thank you,

Athena Salzer *(she/her)*

Wild Ones Madison Vice President
City Ordinance Committee Member

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Wild Ones - Madison Chapter Recommendations for Updating Madison's "Natural Lawns" Ordinance

[Wild Ones Madison](#) is the local chapter of a [national 501\(c\)\(3\) non-profit organization](#) whose mission is to promote native landscapes through education, advocacy, and collaborative action. We recently formed a City Ordinance Committee to review the proposed changes to Madison's "Natural Lawn" ordinance. It seems understood that the existing ordinance is unnecessarily restrictive, confusing, and difficult to enforce. We are delighted to see that an effort is being made to improve this ordinance. We are particularly happy to see the Application for Natural Lawn requirement is being stricken. We are also happy to see that the many benefits of "natural" landscaping are being promoted.

However, we believe that the proposed changes to what is now being called the "Native Tall Grass Lawn Area" do not go far enough in removing restrictions on the use of native plants on private properties in the City. Furthermore, the proposed changes, though clarifying some points, create confusion and outright contradictions that cannot be rectified as written. We would like to raise issue with the following items:

1) Our primary complaint is that the ordinance specifically restricts the use of native grasses. This seems arbitrary, as there are no restrictions on any other types of non-lawn grass, such as non-native (and often invasive) tall pasture grasses like smooth brome or reed canary grass. There are no restrictions on tall, non-native, ornamental grasses such as silver grass or fountain grass. Why are native grasses, the very grasses that lived in this area before Euro-American settlement, being singled out for regulation? These native grasses are the ones most important to providing food and resources for wildlife including songbirds and pollinators.

2) The list of 12 allowed species is both overly restrictive and arbitrary. There are roughly 376 native Wisconsin plant species within the grass family (Poaceae) or sedge family (Cyperaceae). Why are we limited to only 12 species of native graminoids when, again, there are absolutely no restrictions on the use of non-native grasses? While some species are commonly used in landscaping, others are rarely or never used in landscaping. Furthermore, there are many species that are not on the list that are frequently used in native landscape plantings, including those installed by the City itself.

3) The requirement for a property owner to register a "Native Tall Grass Lawn Area" puts an unnecessary onus on individuals who are simply trying to manage their property in an ecologically responsible way. There are no similar requirements for planting non-native grasses, no matter the size, growth form or aggressiveness.

3) The requirement of a 5-foot set-back from property lines, only for native grasses, is unnecessarily restrictive when tall perennial plantings of all types, right up to the property line, are common throughout the City. Furthermore, the City's Terrace Treatment Policy, and City Code Section 27.05(2)(f)1 sufficiently regulate the maintenance of vegetation on private properties as-is.

Proposed Alternative:

We are both dismayed and confused as to why these continued restrictions are being proposed. We suspect there may have been, and continue to be, some fundamental misunderstandings about native plants and sustainable landscaping practices. We would be happy to work with city staff and elected officials on improvements to our ordinances that would encourage the use of native plants while providing better clarity and enforceability in how intentional ornamental plantings should be managed on properties within the City.

Wild Ones recommends the following changes to the City code:

1) Repeal the current Natural Lawn Ordinance in its entirety rather than trying to update it, for the reasons stated above.

2) Define what a “lawn” is, and specify any required maintenance. It does not appear that what a “lawn” is currently included in city statutes. A potential example: “Turf Lawn is defined as a landscape featuring continuous plant coverage consisting primarily of sod-forming grass species, including but not limited to, bluegrasses (*Poa* spp.), ryegrass (*Lolium* spp.), fescues (*Festuca* spp.), that is mowed to maintain a height not to exceed 8””

It should perhaps be made clear that there is no restriction on broadleaf plants such as clovers growing in the lawn, or harmless weeds such as dandelions, plantains or others that are not noxious or invasive.

Maintenance of lawns, as defined, could then be enforced under the existing Section 27.05(2)(f)1

3) Any herbaceous vegetation that is not turf lawn should be considered “garden”. **The only restrictions put on gardens should be that they comply with Madison’s existing [Noxious Weed Ordinance](#) and [Terrace Treatment Policy](#), and the previously mentioned Section 27.05(2)(f)1.** We recognize the value of safe and sanitary maintenance of properties in the City. We believe that homeowners may choose how to manage the garden areas on their property, and that the above policies are adequate to meet those goals.

4) If desired or needed, there may be a definition of, and an allowance for, increasingly popular lawn-like plantings that might be better described as “alternative lawns” (aka “No Mow Lawns”, “sedge lawns”, etc). Many versions of these will typically include sod-forming, fine fescues (*Festuca* spp.) that are *not native* to North America, but are not invasive, but they all generally maintain a height under 12”, and require little-to-no mowing.

These tend to have a more ‘natural’ appearance, lower maintenance requirement, and many environmental benefits compared to turf lawn and should be encouraged. However, there may be some initial challenges in differentiating these from overgrown turf lawns. We would be happy to collaborate with the City to better define these types of spaces and ensure that these plantings are supported by our local ordinances.

Conclusion:

We feel that the above should sufficiently correct the issues with the current “Natural Lawn” ordinance. However, we understand that those tasked with enforcing these regulations may have concerns about how to enforce these or if they serve the purpose of ensuring that properties are maintained properly. We would be happy to engage in discussion with City staff, elected officials and other concerned parties, bringing our knowledge of native plants, weed management, and gardening to the table to develop a new ordinance that is clear, practicable, and that promotes the unhindered use of native Wisconsin plants on private properties in Madison.

Lastly, we would like to share some recommendations about how the City of Madison could promote better environmental stewardship on both public and private property. We are excited to talk with you about:

- Updating the [Noxious Weed Ordinance](#). This may provide a better way to address unmaintained properties, particularly if the list is broadened and better defined.
- Directly mandating that native plants (non-cultivar) be the primary choice for use in City projects.
- Requiring planting of native plants (non-cultivar) as part of new residential and commercial developments.
- Restricting harmful practices such as lawn broadleaf herbicide application (especially 2,4-D), neonicotinoid pesticides, etc.
- Educational outreach to teach Madison residents how to grow successful native landscaping while staying within code.
- Other concrete efforts to support pollinators and wildlife.

Written by:
Wild Ones - Madison
City Ordinance Committee
6/27/24

