

**From:** [Pilar Gomez-Ibanez](#)  
**To:** [All Alders](#); [May, Gregg](#); [Sustainable Madison Committee](#); [Rummel, Marsha](#)  
**Subject:** Please oppose Legistar 83601  
**Date:** Monday, August 5, 2024 1:06:52 PM

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Dear Alders and Members of the Sustainable Madison Committee,

I'm writing to oppose Legistar 83601, amending Section 27.05 of the Madison General Ordinances to refine lawn and property maintenance provisions (item #2 on the Sustainable Madison Committee's 8-5-24 agenda, and item #83 on the Common Council's 8-6-24 agenda).

The substitute version is an improvement, eliminating changes related to registration and enforcement of "Native Tall Grass Lawn Areas." However, it can be made better still by striking subjective language like "well-maintained appearance," clearly defining terms like "lawn" and distinguishing between "lawn" and "garden" areas, more strongly encouraging the planting of native plants and grasses, and emphasizing the elimination of noxious weeds.

I strongly support all the points made by the Wild Ones in their excellent letter -- they've said it better and more thoroughly than I can! Please consider their suggestions to help move our city away from chemically-treated, monoculture lawn that provides more ecological harm than benefit, and toward healthy, abundant, native plantings that help pollinators, birds, wildlife, our water and soil, and us.

Thank you for your consideration, and for all the work you do for our city.

Sincerely,  
Pilar Gomez-Ibanez  
1326 Dewey Ct

**From:** [c d](#)  
**To:** [May, Gregg](#)  
**Subject:** 83601 Amending Section 27.05 (Re lawn maintenance)  
**Date:** Monday, August 5, 2024 10:59:30 AM

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Hello,

As an urban dweller with very small yard and not a lot of nature space in my day to day life - I whole heartedly agree with the input you and city council have received from Wild Ones Madison. As theyve indicated all that's needed is the noxious weed ordinance + perhaps some language re: not allowing one person's vegetation to encroach on public space or private property of others. We dont need to get into micromanaging plant heights and even such vague phrases as "well maintained" is problematic. Who defines "well maintained"? One person's re-wilded pollinator habitat is another's weed patch.

The presence of invasives and noxious weeds, IE those we've deemed to be not good for health or environment, is all the proof we need of a 'neglected" or poorly maintained yard . Does there need to be anything else? Lets not legislate esthetics. Why cant the person who likes their wide expanse of short, mowed grass be free to enjoy that, while those who like a shaggier landscape with bees and butterflies and grasses waving in the breeze are free to enjoy that.

Also the draft I read isnt clear what exactly its referring to. Maybe a yard that is grass and prairie plants is more akin to a "garden" than a lawn, so would that be exempt from this ordinance? Please clarify.

Thank you for considering my input.  
Cathy Debevec  
1885 E Main St., Madison, WI

I

**From:** [mike engel](#)  
**To:** [Figueroa Cole, Yannette](#)  
**Cc:** [May, Gregg](#)  
**Subject:** Re: 83601 Amending Section 27.05 of the Madison General Ordinances to refine lawn and property maintenance provisions.  
**Date:** Monday, August 5, 2024 6:35:22 AM

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This version is better. However, it does not address my primary concern.

Work hard. Be nice.

On Aug 4, 2024, at 19:39, Figueroa Cole, Yannette <[district10@cityofmadison.com](mailto:district10@cityofmadison.com)> wrote:

Here is my attempt to clean it up

Thanks,  
Yannette

[Alder Figueroa Cole](#)  
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**From:** mike engel <[mik3eng3l@gmail.com](mailto:mik3eng3l@gmail.com)>  
**Sent:** Sunday, August 4, 2024 3:38 PM  
**To:** Figueroa Cole, Yannette <[district10@cityofmadison.com](mailto:district10@cityofmadison.com)>  
**Cc:** May, Gregg <[GMay@cityofmadison.com](mailto:GMay@cityofmadison.com)>  
**Subject:** Re: 83601 Amending Section 27.05 of the Madison General Ordinances to refine lawn and property maintenance provisions.

You don't often get email from [mik3eng3l@gmail.com](mailto:mik3eng3l@gmail.com). [Learn why this is important](#)

The revised text with strike thru is very difficult to read for context.

On Sun, Aug 4, 2024 at 14:08 Figueroa Cole, Yannette <[district10@cityofmadison.com](mailto:district10@cityofmadison.com)> wrote:

Hello!

Thank you for your email! Are you opposed to version 2 which was based on the Wild Ones' feedback? Also, the sustainability committee will take the item on Monday, 8/5.

Please clarify.

Thanks,

Yannette

**Alder Figueroa Cole**  
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**From:** mike engel <[mik3eng3l@gmail.com](mailto:mik3eng3l@gmail.com)>

**Sent:** Sunday, August 4, 2024 10:38 AM

**To:** All Alders <[allalders@cityofmadison.com](mailto:allalders@cityofmadison.com)>; May, Gregg <[GMay@cityofmadison.com](mailto:GMay@cityofmadison.com)>

**Subject:** 83601 Amending Section 27.05 of the Madison General Ordinances to refine lawn and property maintenance provisions.

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Re: August 5 Sustainable Committee Agenda and August 6 Madison Common Council Agenda (link below)

Please ask City Attorneys to review your proposed changes in regards to compliance with The Endangered Species Act. I'm a biologist with the agency that regulates endangered species. I am also a resident of Madison. Madison is in the high potential range for the Rusty Patch Bumble Bee (see map link below). City ordinances requiring the destruction of endangered species habitat may violate federal law. Rusty patch bumble bees need access to nectar resources throughout the year from very early spring to fall. The greater the diversity of nectar resources the better. Residual vegetation (leaf and stem litter) aids in overwintering of queen bees for future generations. Limiting pesticide use is very beneficial especially not using neonicotinoids or plant material raised with neonicotinoids.

<https://www.fws.gov/species/rusty-patched-bumble-bee-bombus-affinis/map>

The comments provided by the Wild Ones are excellent. I do not support the proposed changes or the existing ordinance.

Mike Engel  
[826 Jenifer St](#)

Sustainable Madison Committee and Common Council Link to ordinance and comments

<https://madison.legistar.com/LegislationDetail.aspx?ID=6806240&GUID=DCDBE972-94F1-4B3C-B5DC-F518F7874254>

**From:** [Dawn Hinebaugh](#)  
**To:** [May, Gregg](#)  
**Cc:** [Sustainable Madison Committee](#); [Wehelie, Nasra H](#); [Guequierre, John](#); [Govindarajan, MGR](#)  
**Subject:** Sustainable Madison Committee, Agenda Item 2: Substitute amendment Section 27.05 comments  
**Date:** Sunday, August 4, 2024 4:09:01 PM  
**Attachments:** [SustainableMadisonCommittee\\_08052024.docx](#)  
[MinneapolisExample.docx](#)

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Hi Gregg,

Enclosed are my comments and an enclosure regarding the substitute amendment for Madison's ordinance Section 27.05.

Thank you,  
Dawn Hinebaugh

Dear Sustainable Madison Committee,

Thank you for working to update Madison's natural lawn ordinance. My comments pertain to the second draft amendment, which is better than the first but needs clarification on a few things.

As worded, it appears that all landscaping and plantings, including native grasses, sedges, and flowering plants could not exceed eight inches in height. Unfortunately, this would exclude many gorgeous native plants. The current draft states,

“Except for plantings in terraces...all lawns, lawn areas, and terraces, including grasses and vegetation not intentionally planted...shall be maintained so as not to exceed eight (8) inches in height.”

With deletion of all references to “natural landscape areas” in 27.05(2)(f), it's unclear whether the terms “lawns” and “lawn areas” are intended to include flowering plants or not. If the intent is to allow for flowering plants, but not native grasses or sedges to exceed eight inches, this should be clearly defined. However, I believe it is essential to allow for native grasses and sedges. Although they can grow higher than eight inches, they provide “essential habitat and shelter” for pollinators (Natural Resources Conservation Service, 2024). And native bunch grasses like big and little bluestem, Indiangrass, and prairie dropseed are host plants to many pollinators and provide nest areas for female bumble bees.

Lastly, native flowers like bee-balm (*Monarda fistulosa*) are “high value” plants for pollinators like the federally endangered rusty patched bumble bee. While the rusty patched bumble bee's historic home range has contracted significantly, Madison and surrounding areas remain a stronghold for this species. Refining the proposed amendment to remove ambiguous language and to provide clear terminology will serve the public and our native pollinators well. Enclosed an example of the City of Minneapolis ordinance.

Respectfully,

Dawn Hinebaugh  
Madison

Enclosure: Minneapolis natural landscape ordinance

From: <https://greenstep.pca.state.mn.us/page/ordinances>  
See “Landscaping and Maintenance of Vegetation”

## Minneapolis

One of the least restrictive ordinance examples is that of Minneapolis. Section 227.90 of the Code of Ordinances establishes a “right to install and maintain a managed natural landscape”, which is exempted from public nuisance regulations. Note that the ordinance applies to private parcels, not to boulevards, which do have height limits for vegetation.

(a) In general.....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.

(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 common 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 eight (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.



**From:** [annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com)  
**To:** [May, Gregg](#)  
**Subject:** 83601 Amending Section 27.05 Madison General Ordinance re lawn and property  
**Date:** Sunday, August 4, 2024 2:14:56 PM  
**Attachments:** :-

You don't often get email from [annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com). [Learn why this is important](#)

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Dear Sustainable Madison Committee,

I appreciate your work to update Madison's natural lawn ordinance. I appreciate the changes in the second draft, and also believe that additional clarification is needed.

As worded, it appears that all landscaping and plantings, including native grasses, sedges, and flowering plants could not exceed eight inches in height. This requirement would be a big game changer in the land of landscaping where many beautiful and desired plants exceed 8" in height. In addition, this would exclude many gorgeous and much needed native plants. The current draft states,

"Except for plantings in terraces...all lawns, lawn areas, and terraces, including grasses and vegetation not intentionally planted...shall be maintained so as not to exceed eight (8) inches in height."

With deletion of all references to "natural landscape areas" in 27.05(2)(f), it's unclear whether the terms "lawns" and "lawn areas" are intended to include flowering plants or not. If the intent is to allow for flowering plants, but not native grasses or sedges to exceed eight inches, this should be clearly defined. However, I believe it is essential to allow for native grasses and sedges. Although they can grow higher than eight inches, they provide "essential habitat and shelter" for pollinators (Natural Resources Conservation Service, 2024). Native plants, including grasses, provide the backbone to a healthy ecosystem, helping to provide food and habitat for pollinators and birds, which in many cases, are diminishing.

Refining the proposed amendment to remove ambiguous language and to provide clear terminology will serve the public and our native pollinators well.

Respectfully,

Anne Walker

Owner, Home Land Garden, LLC

District 6

**From:** [Lin Morgan](#)  
**To:** [May, Gregg](#)  
**Subject:** Sustainable Lawns  
**Date:** Sunday, August 4, 2024 4:06:19 PM

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Let's make certain the City is not outlawing native plants in front lawns and terraces that feed the local animals and insects that have evolved with them.

Turf lawns don't feed anything or any body.

Turf lawn require lots of water and cancer-causing chemicals that pollute soil and ground water.

Can we just take care of our earth??

It's the only one we get.

**From:** [Robert Beets](#)  
**To:** [Field, Derek](#); [Sustainable Madison Committee](#)  
**Subject:** Feedback on Native Tall Grass Lawn Areas  
**Date:** Monday, July 1, 2024 11:45:19 AM

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Some people who received this message don't often get email from [city@robertbeets.com](mailto:city@robertbeets.com). [Learn why this is important](#)

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Hi Derek, and SMC,

I just ended my tenure on the Sustainable Madison Committee, but I saw that this item will be referred to the group and you also asked residents to provide feedback. Here are my thoughts on this effort and the proposed changes. They are in no particular order and apologies for any grammar mistakes.

I like your statement about finding the right middle ground on this. I think this is the right practical approach to the issue *at this time*. 'My hope is that a future version of this proposed ordinance **makes it easy for homeowners to create urban ecosystems** for most native species while also **providing City Building Inspection the tools they need to enforce our ordinances** about property maintenance and noxious weeds.' While I agree with this, I don't think the proposed changes are the best way to achieve this tact.

I saw the Wild Ones feedback and I agree with the points they make, particularly the limitation on 12 species and the 5 feet setback requirement. Yes, you don't want native plants overhanging roads and sidewalks, but you don't need a set back of 5 feet on well maintained vegetation. Some people only have 5 feet of a yard to work with. And if you're requiring a 5-foot buffer, people who are trying to avoid having a grass mower (for cost savings on equipment and fuel and electricity) are kind of out of luck avoiding that expense due to this setback requirement, even if they keep a meticulous maintained property. Native yards aren't really about 'tall grass', but maybe this ordinance is really just about grass and not native plants. If that's the case, then native yards outside of the context of 'grass' need to be thought about now, not later, as Wild Ones said.

I don't think the proposed changes are so bad that they shouldn't be adopted. I think it is a worthy attempt to make things more clear in practice and create a process for orderly lawn care. But I do warn against adopting and launching a process that ultimately isn't well designed enough in the first place. Case in point, the dogs being allowed in parks and the dog free park designations. It was clearly a much desired and overall positive change, but the the processes were not rigorous enough and it really took 18-24 months after the program started to iron out how to maintain the program and provide the public with enough points of input. (I use this example, simply because I am most familiar with the policy over its lifetime.)

In reading the proposed changes, I also think the city inspectors gain the most in that they will be able to better enforce lawn care standards. I am curious if they need that advantage compared to what they have now. Are they having trouble enforcing lawn care infractions and need better defined lines on what is natural and what is unkempt? Are owners with uncared for properties claiming their properties are intended to be native ecosystems? If not, then I don't really really see why these changes — which in my opinion benefit them more — are the right approach for truly encouraging native plantings. I think there are better ways to do that.

I also don't think that lawns, versus native yards, should be viewed as the default yard vegetation type, which the ordinance effectively does by requiring people who want to install or encourage native plants that exceed the 8 inch height to register with the city. I get needing to identify which houses are going to have vegetation that exceeds height standards to be able to enforce rules, but why not require all residents to register what type of yard they intend to maintain? (I get why, but this is a rhetorical question.) Maybe we should have residents register the herbicide applications made on their lawn with the city? That a property owner is required to take an additional step that others are not is prohibitive in itself even if not directly costly. I understand why you'd have the, I'm assuming, minority population register — it'll be much less work for the city — but I think it demonstrates in practice who benefits from the ordinance written like this. Grass lawns shouldn't be set as a default type, and to do that would probably take an entirely new ordinance or rewriting, and a lot more work by the city.

A lot of the language in the ordinance hinges on 'appearance' and what I would consider value judgements. Ecologically and environmentally positive landscapes doesn't always look 'nice' and beauty is really in the eye of the beholder. I think the city probably can take a common sense approach to enforcement here, which I'm guessing they do, but I have believe doing so will overall advantage the practice of lawns over native yards and these proposed ordinance changes only reinforce that position. I think yards that are cared for are usually but not always good, and yards that are abandoned are often bad ecologically and aesthetically. You can't always tell by looking at them, which are bad and which are good in the ways that the property owner intends.

From my understanding, installing or maintaining a native yard is a lot of work, often equalling or exceeding a short grass lawn. People who are willing to undertake that work should have the latitude to experiment with their property and find what effectively is the most beneficial for their lives, the local ecosystem, and the neighborhood's beauty. Having plant species restraints, unnecessarily large setbacks, registration requirements all contribute negatively to this practice.

Personally, I wanted to start a native lawn in my front yards, but I viewed the city ordinances on yard standards prohibitive and annoying. You effectively have to slowly change your yard over a long period of time, or make a relatively large investment up front. I decided, to install a rain garden and plants native plants in a few locations, and for my lawn, I would seed clover in with my grass and encourage thistle and dandelions to grow. I maintain a height that is about 6-7 inches. I have found that during water stress times in the summer, that my yard is more green and the soil holds more moisture than my neighbors' all grass lawns. I have maintained this lawn without the use of herbicides. Rabbits and woodchucks regularly visit my front and back lawns to eat the clover. I think I have contributed a net good, but I wish having a truly native yard would have been easier and less regulated within the city — I might have taken a different approach.

Finally, installing and maintaining these types of yards take time and money, and so I would love to see a stipend or property tax discount for people with native laws. (I would also like to see a fee for people who use herbicide on their lawns to maintain monocultures.)

Thank you for considering my feedback.

Sincerely /

Robert Beets

[city@robertbeets.com](mailto:city@robertbeets.com)

[612-749-5263](tel:612-749-5263)



Laura M. Hicklin, Director  
Jamie Kuhn, Dane County Executive

Administration • Land Conservation • Parks • Water Resource Engineering • Watersheds & Ecosystem Services

July 1, 2024

Sustainable Madison Committee:

I am writing in support of efforts to encourage native plants in private property and to request revisions to the proposed amendments in 27.05 of the Madison General Ordinances to create registration and enforcement systems for Native Tall Grass Lawn Areas.

As stated in the ordinance language, “native plants naturally cool the City, reduce greenhouse gasses and pollution, reduce water consumption thereby lowering watering costs, reduce the potential of sewer overflow and basement flooding of homes, decrease the need for pesticides, and support native songbirds, pollinators, insects, and overall species diversity.” They also help mitigate the effects of climate change by capturing and storing carbon in the soil. The benefits of native plants are numerous and the economic value of these benefits is beyond measure.

Dane County currently runs a number of programs to support and encourage native plantings in both rural and urban settings. The programs that could be impacted by this ordinance are:

- [Plant Dane Program](#) - provides Dane County residents access to discounted native plants, garden design and rain garden workshops, and other educational resources.
- [Free Native Plants Program](#) - provides a source of free native plants to schools and community groups in Dane County. Since the program began in 2016, more than 36,000 plants have been distributed to 178 different groups, including schools, neighborhood associations and community centers.

Through our various programs, staff have worked to overcome existing barriers that make it challenging for residents to add native plantings. These include: cost, access to plants, lack of design knowledge, and restrictions from home owner associations and municipalities. Adding additional restrictions and requirements, as listed in this ordinance amendment, will have the opposite of the intended effect the ordinance lists, “to encourage property owners to plant and maintain Native Tall Grass Lawns in a responsible and environmentally conscious manner.”

It seems like the true purpose behind the ordinance is to address lawns that have been neglected or are not being maintained; however, the language, as currently written, is unclear and could create additional barriers for residents that are trying to install native gardens.

Specific examples of how the proposed ordinance amendment could be further improved include:

- Residents installing native gardens do not have to go through a registration process.
- Additional detail on which scenarios truly require a setback.
- Converting a full lawn from a non-native turf grass, such as Kentucky Bluegrass, to a native grass, such as Blue Gramma, or a fescue mix (such as the Eco Lawn promoted by Prairie Moon Nursery), would be allowed and not subject to registration or setback rules. These can be mowed to have the same look as a traditional lawn but with a much deeper root system allowing for more carbon sequestration and water infiltration.
- All native grasses should be allowed. There are over 200 species of grasses and sedges that are native to Wisconsin. The current list allows only 9 grass and 3 sedge species. It excludes some common, short and attractive species such as Blue Gramma and Brown Fox Sedge. It also classifies sedges, as “grasses” which is scientifically incorrect.

To conclude, we recommend consulting with local experts to tailor this ordinance in a way that truly encourages and supports the installation and maintenance of native plantings instead of adding additional barriers. We can offer staff resources to be a part of this discussion. There are many examples of other municipalities that have done similar work, such as Mowing to Monarchs in Iowa and Lawns to Legumes in Minnesota, that could be studied to create programs or an ordinance that better achieves these goals.

Thank you for your efforts to encourage native plantings and for your consideration to make additional changes to the ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Hicklin". The signature is written in a cursive, flowing style.

Laura Hicklin

**From:** [M.W.](#)  
**To:** [Sustainable Madison Committee](#)  
**Subject:** Native Plant Ordinance  
**Date:** Sunday, June 30, 2024 8:44:04 AM

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Dear members of the Sustainable Madison Committee,

The updated Native Plant Ordinance is a barrier to the urgent need by individuals to help mitigate climate change. The Ordinance doesn't make sense given the City's own Pollinator Protection Plan, Sustainability Plan, and the Bannerman Rain Garden initiatives. Madison has also declared itself a Bee City and a Bird City.

Stop perpetuating the belief that a lawn of non-native grass, created by continuous use of poisonous chemicals and maintained by gas-powered lawn mowers, offers anything to help humans and wildlife. Grass is monoculture that's dead to our pollinators and other essential insects.

Be the leader that Madison purports itself to be. With the constant drumbeat of climate disaster help rather than hinder people do something worthy to make a difference.

Marta Weldon  
Madison, WI