

October 2, 2016

To: Madison Food Policy Council

From: Alder Ledell Zellers

Subject: Noxious Weeds Ordinance, Second Substitute and Natural Landscapes

Following is background on the proposed amendments to the Noxious Weeds ordinance and information on the changes to the Natural Lawns (Landscapes) ordinance which will be/was introduced on October 4. The genesis of the changes were the Pollinator Task Force's interest in:

1. A Noxious Weeds ordinance that addresses problem plants but does not result in unnecessary mowing (bad for pollinators) or over use of pesticides (even worse for pollinators).
2. A Natural Landscapes ordinance that provides an easier avenue to planting native grasses while protecting the city's ability to address problems with people who are not maintaining their property.

The Noxious Weeds ordinance is further along in the process than the Natural Landscapes ordinance due to it having been introduced with minor changes outside of the Food Policy Council initiative.

### **Noxious Weeds**

In exploring our options, an early consideration was to include all invasive plants as identified by the DNR as part of Madison's Noxious Weeds ordinance, thinking that native plants would be more desirable for supporting pollinators. In Chapter NR 40 of the Administrative Code, the DNR includes 245 species as invasive. Taking the approach of including all those species would not have been practical in terms of enforcement and would have gotten into the undesirable territory of too much mowing and too much pesticide use.

To more carefully focus the ordinance, a "Purpose" statement was developed. With that as guidance and with input from a number of sources\* six species were added to the Noxious Weeds list (Giant Hogweed, Wild Parsnip, two species of Teasel, Japanese Knotweed and Giant Reed). In addition, noxious thistles were identified which resulted in the elimination of protected thistles from the umbrella term of thistles formerly used. Giant Hogweed and Wild Parsnip contain sap that when it gets on the skin can cause a severe rash in the presence of sunlight. Japanese Knotweed, Giant Reed and Teasel are highly invasive and can choke out desirable native growth, can damage infrastructure and contribute to stream bank erosion and to flooding.

As a result of the input from several people but with special thanks to Mark Renz (Assistant Professor/Extension Weed Specialist, UW Agronomy Dept), three plants were removed from the Noxious Weeds list (Field Bindweed, Burdock and Ragweed). Ragweed is native to Wisconsin and is an important food source for native songbirds and moths. While some people are allergic to its pollen, also listed among "worst offenders" as allergens are maple, oak and elm trees. Our public health department does not see Ragweed as a public health risk so removal from the list seemed a good choice. Burdock flowers provide pollen and nectar for honeybees around August when clover is dying back and before goldenrod starts to bloom. Burdock is also used as food by moths and butterflies. In addition, these plants, as well as Field Bindweed, are found throughout the city and would be virtually impossible to manage.

Lastly, the proposed Noxious Weeds ordinance includes both the scientific name as well as the common name. The current ordinance, in some cases, has just the common name or just the scientific name which can result in confusion about the exact species targeted.

### **Natural Landscapes**

The group considered eliminating the portion of the “Natural Laws” ordinance that requires submitting an application to the city for approval to grow a prairie over most of a person’s property. However, staff expressed concern that it could result in complaints by neighbors that could not then be addressed. As a result the proposal is for Natural Landscapes “lite”. This is a provision that would allow a property owner “by right” to plant a portion of their property with native grasses without the need for going through the application process. To be sure the Natural Landscape done under the “lite” portion of the ordinance contains native grasses and isn’t simply a traditional lawn which is neglected, native species which are permitted are enumerated. Input on appropriate species were gathered from a number of people\*\*.

Included species permitted “by right” would be: Sideoats Grama Grass (*Bouteloua curtipendula*), Tufted Hairgrass (*Deschampsia caespitosa*), Purple Lovegrass (*Eragrostis spectabilis*), Junegrass (*Koeleria macrantha*), Switchgrass (*Panicum virgatum*), Little Bluestem (*Schizachryium scoparium*), Indiangrass (*Sorghastrum nutans*), Prairie Dropseed (*Sporobolus heterolepis*), Pennsylvania Sedge (*Carex pennsylvanica*), Running Marsh Sedge (*Carex sartwellii*), Common Bur Sedge (*Carex grayi*), and Silky wild rye (*Elymus villosus*).

In addition the proposed ordinance changes include that:

- a. The natural landscape area located in the front and/or side yard(s) is limited in size to less than twenty-five percent (25%) of the total square footage of the front and side yards.
- b. The natural landscape area located in the backyard or setback behind the rear plane of the principal building is limited in size to less than fifty percent (50%) of the backyard and the street side yard setback behind the rear plane of the principal building.
- c. The natural landscape area must be setback at least five (5) feet away from all property lines, sidewalks, shared driveways or other public right of way areas.
- d. All natural landscape areas shall comply with the vision clearance triangle requirements of Sec. 27.05(2)(bb).

\*Greg Fries (Principal Engineer, Madison Storm & Sanitary Sewer Section), Alders Gruber, Palm and Skidmore (both Alders Skidmore and Palm were relaying the concerns articulated by Greg Fries), Janel Heinrich (Director, Public Health Madison & Dane County), Mark Renz (Assistant Professor/Extension Weed Specialist, UW Agronomy Dept), George Hank (Madison Building Inspection Director), Kyle Bunnow (Madison Housing Inspection Supervisor), Carissa Wegner (Landscape Architect, Madison Engineering Division), Walter Meyer (Madison Weed Commissioner), and Bruce Bailey (Madison Weed Commissioner)

\*\* Carissa Wegner (Landscape Architect, Madison Engineering Division), John Harrington (UDC member and Professor in the UW Department of Landscape Architecture), Mindy Habecker (Natural Resource/Community Development Educator for Dane Count UW Extension)