

MUNICIPALITY OF _____
ORDINANCE NO. 2023-
IN MUNICIPAL _____, 2023

NATIVE PLANTING ORDINANCE

Sec. 1. TITLE.

This chapter shall be known and may be cited as “Municipality of _____ Landscape Ordinance Promoting the Use of Appropriate Native Vegetation.”

WHEREAS, Native Plants are localized, well adapted to the local soils and climate, tend to be more insect and disease resistant, and require less watering and fertilizing than non-native plants.

WHEREAS, local governments use native plant ordinances to improve the landscape principles that guide landscaping of all new development. Many communities find that the use of appropriate native vegetation in local landscaping helps achieve water conservation goals, preserves habitat in urban areas, greatly reduces landscaping maintenance costs, and protects property values.

WHEREAS, wildlife such as birds are more attracted to the Native Plants with which they co-evolved, and use such plants for food, cover, and rearing their young.

WHEREAS, Native Plants, having evolved in the climate, are extremely hardy and therefore have lower maintenance and replacement costs.

WHEREAS, in much the same way as saving an historic home, the use of Native Plants helps to preserve our local heritage.

WHEREAS, Native Plant usage helps restore the ecological balance we have lost through development and can help maintain, or even increase, property values.

Sec. 2. PURPOSE AND INTENT.

The purpose of these regulations is to establish minimum standards for the design, installation, and maintenance of landscaped areas that require the use of appropriate native vegetation and to promote the preservation of indigenous plant communities on site. The Municipality recognizes the significant benefits of establishing and protecting appropriate native vegetation and, therefore, the necessity to maximize the use of appropriate native vegetation in all public and private landscaped areas within the Municipality. It is the intent of this ordinance that these minimum landscape requirements be incorporated in order to promote the public health, safety, and welfare.

It is the intent of this ordinance that these minimum landscape requirements be incorporated in order to combat the climate crisis, species extinction, and global warming, and to promote the public health, safety, and welfare by: (a) Acknowledging that pollination is an essential ecological survival function, and without native plants and the pollinators that depend on them, the human race and all of earth's terrestrial ecosystems will not survive; (b) doing our part to reverse the massive decline in native pollinator populations from widespread use of pesticides in agribusiness, loss of habitat from development, and from our insistence on non-native plants in landscaping; (c) protecting and promoting genetically diverse and appropriate native vegetation; (d) promoting microhabitats in urban areas for the conservation of wildlife by establishing new, and maintaining and connecting existing, wildlife habitat; (e) creating larger, more connected plant populations and helping ensure the future of native plant species by increasing their ability to migrate in response to changes in climate; (f) promoting public health through the long term, widespread adoption of diverse native plantings; and (g) educating residents on the importance of native plant species and native pollinators to the ecosystem.

Sec. 3. DEFINITIONS.

(a) Community Garden: a public or community use area intended for the purposes of gardening.

(b) Community Play Area: public use areas, including school and athletic fields, composed of predominantly turfgrass intended for use for recreational purposes.

(c) Endangered Plant: any plant species which is in danger of extinction throughout all or a significant part of its range.

(d) Garden: a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses, and ground cover in a well-defined location.

(e) Invasive Plant: a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes, or habitat quality.

(f) Landscaped Area: the entire parcel less the building footprint, driveway, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of landscaped areas.

(g) Landscaping: any combination of living plants and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.

(h) 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, meadow vegetation, and ornamental plantings. Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

(i) Native Plant: those species of plants occurring within a specific habitat or biogeographical region prior to European contact, according to best scientific and historical documentation. Those species of plants naturally occurring with a specific habitat.

(j) Pollinators: animals (primarily insect, but sometimes avian or mammalian) that fertilize plants, resulting in the formation of seeds and the fruit surrounding seeds, that humans and other animals rely on to produce nuts and fruits that are essential components of a healthy diet, and that the majority of flowering plant species found world-wide rely on to make the seeds that will become the next generation of plants.

(k) Rain Garden: a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers, and lakes.

(l) Remove: to transport a native plant from the premises on which it has been growing.

(m) Straight Species: a native plant that is not a cultivar or has not been bred to emphasize or minimize certain traits of the parent plant. Naturally occurring hybrids of native plants shall be considered as Straight Species for the purpose of this ordinance.

(n) Threatened Plant: any plant species that is likely to become an endangered plant within the foreseeable future throughout all or a significant portion of its range, including but not limited to species listed as threatened, at risk, or listed as likely to become endangered by any federal or applicable state or county agency.

(o) Tree: a self-supporting woody plant having a single trunk or a multi-trunk of lower branches, growing to a mature height of at least twelve (12) feet.

(p) Turfgrass: continuous plant coverage consisting of a grass species that is mowed to maintain an established height.

Sec. 4. APPLICABILITY.

This ordinance shall be a minimum standard and shall apply to all public and private buildings, developments, subdivisions, and land within the incorporated and unincorporated areas of the Municipality.

Sec. 5. LIMITS ON WEED CONTROL LAWS.

No regulation shall be enacted by the Municipality or any person or entity which prohibits or discourages the planting, maintenance, or protection of native plants or requires or incentivizes the removal or reduction of native vegetation, except when deemed necessary for public safety.

Sec. 6. INCENTIVE PROGRAM.

The Municipality may provide incentives to promote the use of native plants. Examples of such incentives include: 1) fast track permitting for building and landscape permits; 2) reduced permitting fees; 3) certified native landscape programs/marketing; 4) tax breaks/user fee reductions; 5) payment or cost-share programs for removal of invasive species.

Sec. 7. INVASIVE PLANTS FORBIDDEN.

After the effective date of this ordinance, the Municipality shall not use or install any invasive plant in any Municipal property. Landowners shall not allow any invasive plants on their property.

Sec. 8. PRIORITIZING STRAIGHT SPECIES.

The Municipality shall, to the extent possible and to the extent such plants are reasonably available, prioritize using and installing native plants that are straight species on any Municipal property.

Sec. 9. 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.

Managed Natural Landscapes shall not include any plant identified by any applicable government agency as a noxious weed. Managed natural landscapes may include plants and grasses of any height and which have gone to seed. Managed natural landscapes shall not include plants that, due to location and/or manner of growth, constitute a hazard to the public.

Sec. 10. MANAGED LANDSCAPE SET BACK.

The managed landscape must be set back from property lines by at least _____ 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.

The managed landscape may be planted up to the property line.

Sec. 11. CONFLICTING REGULATIONS REPEALED.

All rules and regulations that are in conflict with this article, in whole or in part, are hereby repealed to the extent that they are in conflict.

Sec. 12. SEVERABILITY.

If any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate provision and shall not affect the validity of the remaining portions of the article.

Sec. 13. EFFECTIVE DATE.

This article shall take effect _____ days after it is enacted by the Municipality; provided, however, that this article shall not apply to any plantings carried out pursuant to existing contracts, invitations to bid, or designs completed prior to the effective date of this article.

Approved:

President

Council

Mayor