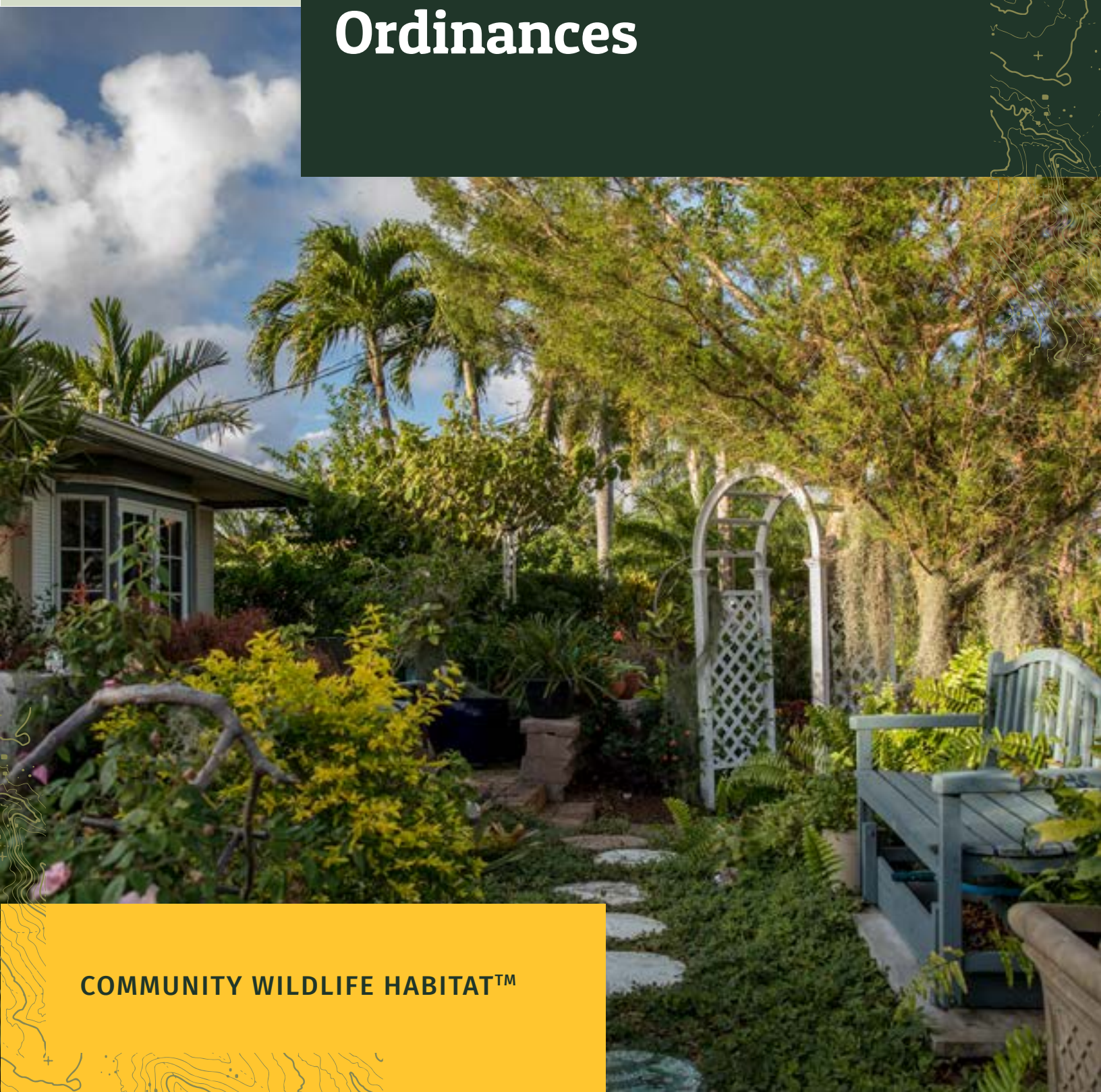
Guide to Passing Wildlife-Friendly Property Maintenance Ordinances



COMMUNITY WILDLIFE HABITAT™

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ACKNOWLEDGMENTS:
We appreciate the entire National Wildlife Federation family that is working to create healthy, sustainable, wildlife-friendly communities across the United States. This includes our National Wildlife Federation staff, our state affiliate partners, and our networks of communities, individuals, and schools that are committed to creating healthy communities that support both humans and wildlife.

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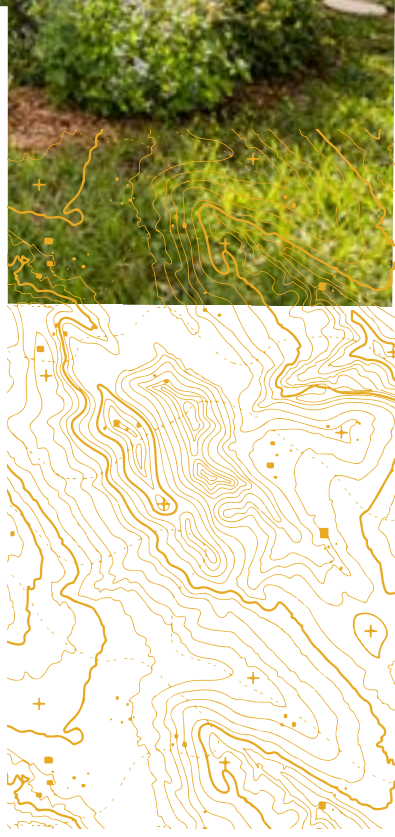
About This Guide

Transform local landscaping practices and you can empower any individual or organization to participate in the expansion of wildlife-friendly habitat where they live, work, play, and worship.

This guide is for mayors, heads of local and tribal governments, municipal staff, homeowners' associations, and others who want to promote the expansion of wildlife-friendly habitats in their communities. It provides case studies of cities that revised their property maintenance ordinances to incentivize homeowners and other landowners to transform their land into wildlife habitats. This guide will also provide model ordinances and policies that can be adopted by any municipality across the country.



CERTIFIED WILDLIFE HABITAT AT HOME IN BROWARD COUNTY, FL. PHOTO CREDIT: ERIKA LARSEN

Supporting Healthy, Sustainable, Wildlife-Friendly Communities

The Community Wildlife Habitat™ program partners with cities, towns, counties, neighborhood associations, and other communities across the country to create healthier, sustainable, and more wildlife-friendly communities. The program provides community leaders with a program framework to restore wildlife habitat and educate and engage community members while working to attain the National Wildlife Federation's certification as a wildlife-friendly community.

We are facing a wildlife extinction crisis globally. Here in the United States one-third of our wildlife are at increased risk of extinction in the coming decades. We've lost 3 billion birds from the North American bird population since 1970. Bees are disappearing, with the once-common rusty-patched bumble bee now listed as endangered. Monarch butterfly numbers have plummeted by as much as 90 percent in the east and by over 99 percent in the west. But many of these wildlife species can thrive right alongside us if we just give them some habitat within ourw cities, towns, and neighborhoods.

Healthy, sustainable, wildlife-friendly communities provide the four basic elements that wildlife and nature need to survive: food, water, cover, and places to raise young. When habitat is created with these four elements and is managed with sustainable practices, we can create biodiverse ecosystems wherein both humans and wildlife thrive.

FEMALE ZABULON SKIPPER NECTARING FROM DOWNY SKULLCAP PHOTO CREDIT: MARY ANNE BORGE

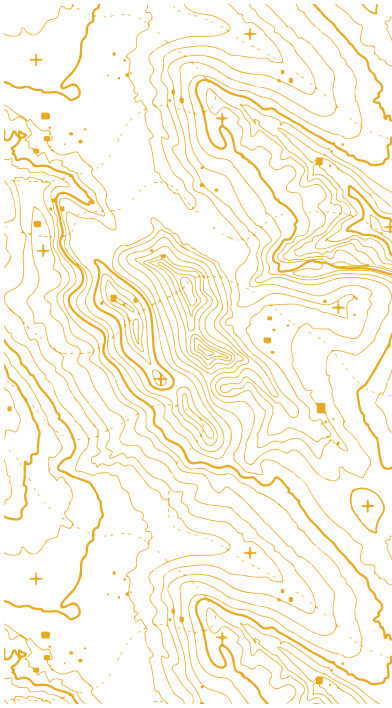
PERPLEXING OR CONFUSING BUMBLE BEE ON FEMALE FLOWER OF WINTERBERRY HOLLY PHOTO CREDIT: MARY ANNE BORGE

Role of Municipalities in Wildlife Conservation

Cities, counties, and homeowners' associations have control over what plants are installed at municipal buildings, parks, medians, and other common areas. These communities also often have tall grass or weed ordinances in place to ensure homeowners and businesses maintain their landscapes in a way that doesn't create a nuisance or hazard to neighbors or the community.

These ordinances, though useful in keeping communities safe, enforce a conventional landscape aesthetic of a close-cropped lawn that will often provide no benefit for local wildlife. Many of these conventional practices would disincentivize citizens from creating pollinator meadows, prairie patches, and other gardens that grow over a maximum threshold. Property maintenance ordinances should reflect the needs of local wildlife. By creating habitat corridors between larger protected areas and residential, urban areas, we can support a myriad of vital migratory wildlife species such as butterflies, bees, and songbirds.

Green Bay, WI; Evanston, IL; Minneapolis, MN; Austin, TX, and the High Desert Residential Owners Association in Albuquerque, NM have been spearheading the development and expansion of property maintenance practices that create healthy, sustainable, wildlife-friendly communities. These communities have developed models for community-led wildlife conservation efforts at the local level. Each community will serve as a case study that can be adopted by any municipality across the nation.



VOLUNTEERS AT THE SALEM LUTHERAN CHURCH TOLEDO,OH. PHOTO CREDIT: SANJA JENNINGS

Recomended Policy Solutions

Promote Native Plants and Natural Landscaping

In April 2012, Green Bay, Wisconsin's city council extensively revised its ordinance dealing with weeds and the maintenance of vegetation to recognize the importance of native plants and natural landscaping.

The ordinance promotes natural landscaping and the use of native plants while emphasizing the need to limit uncontrolled plant growth on private and city-managed property. The ordinance gives clear definitions of what constitutes a garden and planned natural landscapes, and includes the plants on the state and local noxious plant lists. Wisconsin native plants are also explicitly recognized as important for soil and water conservation.

These provisions promote the planting of native plants and vegetation and have had an immense benefit to local wildlife and pollinator species. The city has specific guidelines that require individuals and businesses to remove any unmanaged plant growth. Unmanaged plant growth is defined as, "any grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over 9" but the ordinance exempts gardens, planned natural landscaping, and plants in environmentally sensitive areas.

Promoting native plants in your community will provide the highest benefit to local wildlife and pollinators. Allowing homeowners and businesses to create these natural landscapes promotes community engagement and provides opportunities to get people involved in wildlife conservation.

See the adapted model ordinance from Green Bay, WI on the next page and view the full ordinance here.

Model Ordinance

(1) Purpose. It is the purpose of this section to prohibit the uncontrolled growth of vegetation and to control noxious weeds, while permitting the planting and maintenance of planned natural landscaping that add diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interests to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities which can be economical, low-maintenance and effective in soil and water conservation. The city enacts this section to balance these competing interests.

2)Definitions.

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

(c)Native plants means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to or naturalized to the state. Native plants do not include weeds.

(d)Noxious weeds means any plant listed under § 23.235(1)(a) or 66.0407(1)(b), Wis. Stats., and shall also include Arctium spp. (burdock), Cirsium and Carduus spp. (thistle), Ambrosia spp. (ragweed), Alliaria petiolata (garlic mustard), Plantage lanceolate (buckhorn), and poison ivy.

(e)Ornamental grasses and groundcovers means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds

(f)Planned natural landscaping means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care duties. Planned natural landscaping does not include gardens.

(g)Rain garden means 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.

(h)Unmanaged plant growth means any grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over nine inches but does not include:

1.Gardens,

2.Plants located on agricultural land,

3.Plants located on shoreland within 35 feet of the ordinary high-water mark,

4.Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas, or

5.Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained

Exempt Managed Natural Landscapes from the "Public Nuisance" Property Code

Wildlife-friendly communities have clear guidelines on what constitutes a "nuisance" on public and private properties but also provide opportunities to increase local biodiversity through naturally managed landscapes.

In Minneapolis, Minnesota a public nuisance is defined as noxious weeds, rubbish, garbage, or any other foul or unhealthy material that is dangerous to the health, safety, and good order of the city. This ordinance also has provisions limiting weed and grass exceeding 8'; however, this excludes properties with managed natural landscapes.

The Minneapolis 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".

Allowing managed landscapes throughout a community provides opportunities to meet other city-wide goals of biodiversity and conservation. Promoting native plants and managed landscape practices expands and improves the quality of habitat corridors between larger protected areas and residential, urban areas. Habitat fragmentation is one of the biggest threats to wildlife and pollinator species, and local policy ordinances have an important role in addressing this.

The property maintenance ordinance in Minneapolis also provides context as to what defines meadow vegetation, rain gardens, and ornamental plants. See the adapted model ordinance on the next page and view the full ordinance here.

Model Ordinance

(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.

(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.

Update Tall Grass Ordinances to Exempt Wildlife Habitat Projects

Austin, TX has a property maintenance ordinance outlining the requirements for keeping properties in a sanitary condition. Their ordinance states that safe, sanitary properties may not contain weeds or grasses above 12 inches, garbage, rubbish, and other unsanitary items. The ordinance provides an affirmative defense against tall weed sand grass violations which allows properties to have native and adapted vegetation over 12 inches if they are part of a local or national habitat or gardening program.

The ordinance states that grasses above 12 inches are not allowed except for the case of:

(3) a landscaped area arranged and managed consistent with a plan accepted by the City which area includes native or adapted vegetation, where weed control and other periodic maintenance occurs:

Austin residents can maintain their natural landscapes over 12 inches if they are part of the National Wildlife Federation's Certified Wildlife Habitat™ program or another landscaping program approved by the City of Austin.

This exemption is useful because national and local programs that promote neighborhood habitat will often have guidelines and recommendations for growing and maintaining wildlife-friendly natural landscapes. This exemption allows for planned growth of gardens and yards that are intentional, and well managed, and therefore can be a benefit to both humans and wildlife.

Read the full ordinance here.

Remove Milkweed from Noxious Plant Lists

In 2017, the town of Evanston, IL updated its ordinance to remove milkweed from the list of noxious plants. Updating your property maintenance ordinance to exclude milkweed from its noxious plant list will provide a tremendous benefit to the monarch butterfly. The monarch butterfly relies exclusively on its host plant milkweed, which can grow two to six feet tall depending on the species. A traditional ordinance would often consider a milkweed garden a public nuisance and required it be cut down. We know that the presence of milkweed in home gardens and public spaces will support monarch butterfly and pollinator populations, while also strengthening ecosystem function.

Create a Homeowners Association Landscape Plan or Approved Plant List

"As stewards of this land we are committed to the vision of a community conceived, designed and built to preserve nature's intricate balance. Our goal is an integrated and sustainable community which honors its Southwestern roots and natural habitats while providing a place that will endure."- High Desert Residential Owners Association in Albuquerque New Mexico.

High Desert is a master-planned, sustainable community located in Albuquerque New Mexico. The High Desert Residential Owners Association manages the community involvement in the Community Wildlife Habitat program.

The High Desert Residential Owners Association has set landscaping standards for future members, landscape architects, and contractors working in the community. They prioritize practices that support wildlife that is native to the Sandia Mountains and the Cibola National Forest where they call home.

High Desert has an approved and prohibited plant list that clearly states the importance of using native plants. They define native plants as any plant that existed before the development of the High Desert area. However, they also emphasize the value of including drought-tolerant and climate-adaptive plants, even if they aren't classified as natives. Their approved plant list prioritizes plants that are best suited to survive the region's desert conditions and support the local wildlife. Equally important, is the discussion of cultural land management practices and plant selections that can reduce the likelihood of wildfires. See the full approved and prohibited plant list here.

High Desert has an extensive landscape master plan that presents the community's landscape planning and design principles, an assessment of existing conditions, conceptual designs, and priorities for the High Desert landscape. Some of the overall goals of the plan are to respect and maintain native vegetation and habitat and to conserve water through sustainable irrigation practices. View an adapted portion of the landscape plan below and the full landscape plan here.

CERTIFIED WILDLIFE HABITAT AT A HOME GARDEN IN YELLOWSPRINGS, OH. PHOTO CREDIT: CATHERINE ZIMMERMAN

Model Landscape Master Plan

(I.)INTRODUCTION

For the purposes of this report a native plant is defined as plants that are endemic or indigenous to the area and that are adapted to the climate, soil, and moisture conditions of the area. Strict adherence to this native plant definition can limit plant choices to the detriment of landscape design. This reports advocates more use of native plant materials while maintaining that adapted native plants (from a nearby or similar region) or introduced plants (from other locales with similar climatic conditions) that have proven resilience are non-native, but appropriate for certain situations where a native is not suitable.

(a) PRINCIPLES

Create beautiful, sustainable, resilient, and functional landscapes that benefit people and the environment.

Respect and seek inspiration from growth habits of native plants and natural systems.

(b) Irrigation Design Principles

Design irrigation systems in the most efficient, flexible, and durable manner possible to serve new and maturing landscapes.

Make use of passive water harvesting.

Audit all existing and new spray irrigation systems to measure efficiency.

(c) Planting Design Principles

Select the right plant for the right location. Study and utilize microclimates created by natural and manmade structures as a factor in plant selection.

Create a measurement of landscape resilience for each landscape zone in order to establish a more resilient High Desert Landscape. In response to site conditions and the desired landscape zone's aesthetic, establish plant palettes with a deliberate ratio of native species to non-native species.

(d) Maintenance Principles: Contractor Obligations

Landscape contractors at High Desert will be expected to educate their staff about arid environment landscape maintenance techniques to perpetuate the vision and goals of the High Desert Landscape Masterplan.

Landscape maintenance contractors at High Desert will be proactive about creating resilient landscapes. Proactive landscape maintenance means assessing and anticipating landscape and irrigation needs such as maintaining soil and plant health, making irrigation system replacements and controller timing changes before plants fail, and training plants appropriately to thrive in site specific situations.

(e) RECOMMENDATIONS

This Landscape Masterplan is in part a decision-making document and design manual for current and future HDROA members, landscape architects, and contractors working at High Desert. Recommendations are organized as: A. General Recommendations (applicable to all zones) and B. Recommendations for Specific Zones.

Promote Neighbor-Friendly Landscaping Practices

Top-level changes such as the ones demonstrated in this guide will help protect local wildlife and pollinators and will support the overall resiliency and biodiversity of your community. The residents of your community also have a vital role to play in the creation and management of wildlife gardens.

Natural landscaping practices could be misunderstood by residents or homeowner associations that don't understand the benefit to both humans and wildlife. However, residents can take a few steps to ensure that as they transition to managing natural landscapes that they build those relationships with their neighbors and community members and educate them about the importance of wildlife gardens. Local leaders should encourage residents to adopt neighbor-friendly practices such as having those conversations with their neighbors or starting small with native plants that have pretty blooms. For a full list of neighbor-friendly wildlife gardening tips please check out this full resource.

MINING BEE ON AMERICAN CRANBERRYBUSH PHOTO CREDIT: MARY ANNE BORGE

Butterfly Garden
WILDLIFE HABITAT