

## City of Sun Prairie, Wisconsin

### ORDINANCE REPEALING, AMENDING, AND RECREATING SECTION 8.28 – SUN PRAIRIE NATURAL LAWN ORDINANCE

Presented: March 18, 2025

Adopted: March 18, 2025

Publication: March 21, 2025

**Ordinance No.: #965**

## ORDINANCE

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

**SECTION 1.** That Section 8.28 is hereby repealed and recreated as follows: (Additions are noted by underline, deletions are noted by ~~overstrike~~.)

### Chapter 8.28 - NATURAL LAWN PERMITS

8.28.010 - Regulation of natural lawns.

- A. Natural Lawns Defined. Natural lawn as used in this section shall include ~~common~~ species of grasses and wild flowers ~~native to North America which~~ that are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8.36.010 of this chapter as well as invasive plant species listed in Wisconsin Administrative Code Chapter NR 40. The growth of a natural lawn in excess of eight inches in height from the ground surface shall require the registration and approval of ~~be prohibited within the city corporate limits unless a natural lawn management plan and a permit is issued by the city~~ City's Parks and Forestry Director, or designee, as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- B. Natural Lawn Management Plan Defined. ~~1. Natural lawn management plan as used in this section shall mean a written plan relating to the management and maintenance of a lawn upon which contains a legal description of lawn upon which the planted grasses and flowers will exceed eight inches in length. The Plan shall include a planned site diagram, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants species, and plant succession involved timeline, and the specific management and maintenance techniques to be employed. Natural lawns shall not be removed managed through the process of controlled burning unless stated and approved as one of the management and maintenance techniques in the natural lawn management plan.~~
- C. Registration of a Natural Lawn.
1. Any property owner or occupant, upon signed written consent of the owner of a property, who wish to plant and cultivate a natural lawn shall provide a written natural lawn management plan and filing fee to the Parks and Forestry Director. "Property owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current city records.
  2. Natural lawns shall be setback a minimum of five (5) feet from all property lines and three (3) feet from any public sidewalk or trail. No setback is required on the side and rear lot lines where the following apply:
    - a. A fence has been permitted and constructed along the lot line;

- b. A natural lawn abuts a preserved green space as identified in [Section 17.28](#);
  - c. A natural lawn abuts another registered natural lawn.
3. Natural lawns may not be located in the terrace and shall in no way further obstruct vision for intersecting streets, driveways, sidewalks, or other traffic areas as determined by the City Engineer.
  4. Natural lawns shall not contain litter or debris and shall not harbor nuisance wildlife.

~~2. Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the city. "Property owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current city records. Natural lawn management plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any city-owned property including street right of way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the lawn management plan.~~

~~3. Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the city clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the city shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The city shall revise the approved natural lawn management permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the city provided the notification is received sometime between May 1st and November 1st. Property owners who receive notification from the city between November 2nd and April 30th shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20th following receipt of the notification.~~

#### **C. Application Process.**

~~1. Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the city. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a fifty dollar (\$50.00) non-refundable filing fee will be assessed by the city. Upon receiving payment, copies of the completed application shall be mailed by the city to each of the owners of record, as listed in the office of the city assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the director of public works receives written objections from fifty-one (51) percent or more of the neighboring property owners, the city clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.~~

~~2. If the property owner's application is in full compliance with the natural lawn management plan requirements and less than fifty-one (51) percent of the neighboring property owners provide written objections, the director of public works shall issue permission to install a natural lawn.~~

~~D. Application for Appeal. The property owner may appeal the director of public works' decision to deny the natural lawn permit request to the public works committee at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the public works committee shall be final and binding.~~

ED. Safety Precautions for Natural Grass Areas.

1. When in the opinion of the fire chief, the presence of a natural lawn ~~may constitute~~ a fire or safety hazard, due to weather and/or other conditions, the fire chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of ~~the a~~ natural lawn ~~permit~~, the property owner shall be required to cut the natural lawn within the three days upon receiving written direction from the fire chief.
2. Pursuant to Section 19.03.020(B)(307)(6), burning of natural lawns shall be strictly prohibited unless a permit for a controlled burn is issued by the Fire Chief. ~~Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the lawn management plan. The fire chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the fire chief. The fire chief shall establish a written list of requirements for considering each request to burn natural lawn thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the city as a party insured. A minimum amount of acceptable insurance shall be three hundred thousand dollars (\$300,000.00).~~

~~F. Revocation of an Approved Natural Lawn Management Plan Permit. The director of public works upon the recommendation of the mayor, shall have the authority to revoke an approved natural lawn management plan permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved natural lawn management plan permit or any requirements set forth in this section. Notice of intent to revoke an approved natural lawn management plan permit shall be appealable to the public works committee. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written notice of intent to revoke the approved natural lawn management plan. Failure to file an application for appeal within fifteen (15) calendar days shall result in the revoking of the natural lawn management plan permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the public works committee in an open meeting. The public works committee shall make a recommendation to the common council. The decision rendered by the common council shall be final and binding.~~

GE. Public Nuisance Defined — ~~Abatement After Notice.~~

1. The ~~improper~~ growth of a natural lawn without a registered natural lawn management plan as defined in this section shall be considered a public nuisance. If the natural lawn creates a nuisance, fails to comply with the approved ~~unless a natural lawn management plan, or any requirements set forth in this section,~~ a notice shall be issued by the City's Weed Commissioner for abatement of the nuisance as regulated in Section 8.44.060.
2. Costs, fees and penalty. Abatement of the nuisance is expressly authorized in this section and any fees associated with said abatement. Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in Section 1.24.010.

~~2. If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the enforcement officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the city clerk shall enter those charges onto the tax roll as a special tax as provided by state statute.~~

~~3. The failure of the city clerk to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the city expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this section.~~

~~H. Penalty.~~

- ~~1. Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in Section 1.24.010.~~
- ~~2. In addition to any penalties herein provided, the city may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.~~

**SECTION 2. Effective Date.** This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: \_\_\_\_\_  
Paul T. Esser, Mayor

Date Approved: March 18, 2025

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the 18th day of March 2025, and was submitted for signatures on the 19th day of March 2025.

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Megan Meyer, Deputy City Clerk