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# Chapter 356

## Landscaping

**[HISTORY: Adopted by the Common Council of the City of Watertown as indicated in article histories. Amendments noted where applicable.]**

### Article I

#### Natural Landscape Permit

**[Adopted by Ord. No. 93-54 (§§ 9.09 and 9.20 of the former City Code)]**

#### § 356-1 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

#### **INVASIVE SPECIES**

Nonindigenous species whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

#### **NATURAL LANDSCAPE**

Includes common species of grass and wildflowers native to Wisconsin and/or ornamental plantings which are designed and purposely cultivated to exceed eight inches in height. Specifically excluded in natural landscapes are the noxious grasses and weeds identified in this article.

**[Amended by Ord. No. 94-35]**

#### **NATURAL LANDSCAPE MANAGEMENT PLAN**

A written plan relating to the management and maintenance of a landscape which meets the following requirements:

- A. Street address or legal description of the property where the proposed natural landscape is being requested.
- B. A statement of intent and purpose for the landscape.
- C. A detailed description of the types of plants and plant succession involved.
- D. Specific management and maintenance techniques to be employed.

#### **RAIN GARDEN**

A storm water management practice consisting of a shallow depression planted with a dense cover of vegetation, designed to capture storm water runoff from a small drainage area and infiltrate it into the underlying soil.

#### **STORMWATER BEST MANAGEMENT PRACTICE (BMP)**

Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried by stormwater runoff to waters of the state. Examples include wet or dry detention ponds, infiltration basins, biofilters, buffers, and constructed wetlands.

## SHORELINE / STREAMBANK

The sloped areas alongside streams, creeks and rivers that connect the stream to its floodplain.

## WETLANDS

An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soils indicative of wet conditions.

## WETLAND DELINEATION

A precise wetland boundary survey that meets federal and state regulations and is completed by a wetland professional.

## WETLAND DETERMINATION

A decision regarding whether or not an area is a wetland, including identification of wetland type and size.

### § 356-2 Plan and permit required; restrictions.

- A. The growth of natural landscapes in excess of eight inches in height shall be prohibited within the City, unless a natural landscape management plan is approved and a permit is issued by the City as set forth in this article **except as provided under Subsection a. [Amended by Ord. No. 94-35]**
  - a. Exemptions. The following natural landscapes that are being routinely maintained throughout the growing season are exempt from requiring a permit:
    - i. Approved stormwater best management practice (BMP);
    - ii. Rain Gardens designed to capture and infiltrate rooftop runoff following the WDNR Technical Standard 1009
    - iii. Designated wetlands, as shown on the Wisconsin Department of Natural Resources Surface Water Data Viewer Mapped Wetlands layer or in a wetland delineation report or wetland determination compiled by a qualified professional.
    - iv. Shoreline/streambank areas not more than 15 feet from the Ordinary High Water Mark (OHWM) or the top of slope, whichever is greater.
- v. **An area less than 50 percent of the surface area of the property not otherwise occupied by buildings, structures, or improvements and meets the requirements of 356-B., C. and D.B.** Proposed landscaping is to be confined to property owned by the applicant according to current City Assessor's records.
- C. Natural landscaping on any City-owned property within any street right-of-way is strictly prohibited unless approved by Director of Public Works/City Engineer. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.
- D. Natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.
- E. The property owner shall submit to the Weed Commissioner a drawing, plot plan and/or survey which will show the location of the natural landscape area on the applicant's property. **[Amended by Ord. No. 05-29]**
- F. All property owners who currently have natural landscapes must file for a permit and submit a plan to

be covered by this article.

- G. Natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Parks, Recreation and Forestry Department Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the natural landscape within three days upon receiving a written letter from the City of Watertown's Weed Commissioner.

**§ 356-3 Noxious grasses or weeds.**

The following noxious grasses or weeds and other invasive species as listed in the Wisconsin Department of Natural Resources NR 40 will not be allowed in a natural landscape area:

<b>Common Name(s)</b>	<b>Botanical Name(s)</b>
Buckthorn	Rhamnus cathartica
	Rhamnus frangula
Burdock (yellowdock)	Artium lappa
Field bindweed (wild morning glory)	Convolvulus arvensis
Garlic mustard	Alliaria petiolata
Goatsbeard (oyster plant, salsify)	Tragopogon porrifolius
Leafy spurge	Euphorbia esula
Marijuana	Cannabis sativa
Nettle	Urtica dioica
Oxeye daisy	Chrysanthemum leucanthemu
Pigweed (lambs quarters)	Chenopodium album
Pigweed (amaranth)	Amaranthus retroflexus
Poison ivy	Rhus radicans
Purple loosestrife	Lythrum salicaria
Quackgrass	Bromus brizaeformis
Ragweed (common)	Ambrosia artemisifolia
Ragweed (great)	Ambrosia trifida

<b>Common Name(s)</b>	<b>Botanical Name(s)</b>
Spotted knapweed	<i>Centaurea maculosa</i>
Thistle bull	<i>Cirsium vulgare</i>
Thistle canada	<i>Cirsium arvense</i>
Thistle musk or nodding	<i>Carduus nutans</i>
Thistle star (caltrops)	<i>Centaurea calicitrappa</i>
Thistle sow (field)	<i>Sonchus arvensis</i>
Thistle sow (common)	<i>Sonchus oleraceus</i>
Thistle sow (spiny leaved)	<i>Sonchus asper</i>
Sweet clover (yellow)	<i>Melilotus officinalis</i>
Sweet clover (white)	<i>Melilotus alba</i>
Yellow mustard (yellow rocket winter cress)	<i>Barbarea vulgaris</i>
Japanese bamboo	
Wild mustard	

**§ 356-4 Application for natural landscape permit.  
[Amended by Ord. No. 05-29]**

Property owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Parks, Recreation and Forestry Department, attention Weed Commissioner. All plans received will be reviewed by the Weed Commissioner and the Public Works Commission for permit approval. The property owner will be notified in writing by the City of Watertown of approval or denial. If no notification is received within 45 days of the property owner's initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Parks, Recreation and Forestry Department Weed Commissioner's office for future reference.

**§ 356-5 Appeal.  
[Amended by Ord. No. 05-29]**

The property owner may appeal a decision to deny or revoke the natural landscape permit to the Public Works Commission at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial or revocation of the natural landscape permit. The decision rendered by the Public Works Commission shall be final and binding.

**§ 356-6 Enforcement.  
[Amended by Ord. No. 05-29]**

Enforcement will be upon written complaint by at least one adjoining owner and filed with the Watertown Weed Commissioner. Upon receipt of a written complaint, the permitted property will be inspected by the Weed Commissioner. If the permitted property is determined to be in violation of this article, the property owner shall be notified by the Public Works Commission and City of Watertown Weed Commissioner by written notice to correct specific violations within 15 days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the City of Watertown shall order the property mowed, and the property owner will be billed at the current rate for every hour worked, and the permit shall be revoked.

**§ 356-7 Violations and penalties.**

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This action shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this article.