

ORDINANCE NO. _____

ORDINANCE AMENDING CITY CODE
- CHAPTER 48 -
- NUISANCES -

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 48 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending and adding language to Section 9. Said Section as so modified and amended, shall provide as follows:

9. NATURAL AREAS AND NATIVE PRAIRIE LANDSCAPE AREAS. It is the policy of the City of Decatur to allow maintained and managed native landscaping and prairie grass restoration projects and sites in an urban setting that minimize hazards and nuisances for public health, safety, and welfare. It is also the policy of the City of Decatur to prevent erosion of soil into Lake Decatur which serves as the main water source for the citizens of Decatur and surrounding areas. In order to reduce erosion and to promote native landscaping and prairie grass restoration in a properly maintained and managed manner, a lot, tract or parcel of ground or any part thereof within the specific locations set forth below in the City may be improved with Native Prairie Landscaping Areas under the terms and conditions set forth in this Section.

A. DEFINITIONS. As used in this Section, unless the context requires otherwise:

(1) "City" means the City of Decatur, Illinois.

(2) "Garden" means a land area where plants are cultivated and managed. Gardens may include native or non-native plants and may be located on public, commercial or residential property. Gardens are purposefully planned, planted, and managed areas which may include a variety of plants including ferns, aquatic plants, native or ornamental grasses, sedges, vines, forbs/flowers, shrubs, and/or trees which are not defined as weeds herein and subject to the City of Decatur Code Chapter 36, Paragraph 2, Section B. If certain types of gardens permitted herein are allowed in front or side lots, they shall not create sight or traffic hazards located at any corner formed by intersecting streets and shall maintain clear sight lines across said premises within the area formed by the property line adjacent to said corner and a diagonal line joining points on said intersecting property lines twenty-five (25) feet from the point of their intersection. Within the above stated area, no vegetation shall be allowed to grow above two (2) feet in height except trees whose branches are removed to a height of eight (8) feet or more above the ground.

(3) “Native Plants” are those plant species which are native to the State of Illinois excluding prohibited species as defined by the Illinois Noxious Weed Law 505 ILCS 100 et.seq. and any Administrative Regulations implementing the Act and all species of running (monopodial) bamboo. Native Plants do not include weeds.

(4) “Native Prairie Landscape Area” is an area utilizing native plants which are purposefully planted and managed and which requires less maintenance after establishment. Native Prairie Landscape Areas may be used to prevent or reduce soil erosion and rainwater runoff into the watershed and reduce the need for pesticides and fertilizers. A Native Prairie Landscape Area must be composed of plants native to the State of Illinois including ferns, aquatic plants, native grasses, sedges, forbs/flowers, vines, shrubs, and/or trees but not weeds as defined in paragraph A section (8). A Native Plant Landscape Area does not include gardens.

(5) “Natural Area” means an area that has been purposely left to grow in a natural state and can maintain itself in a stable condition with minimal human intervention and contains trees, shrubs, and native plants, excluding weeds and turf grass areas that contain more than fifty (50) percent turf grass. Flowers and non-native plants can be allowed provided that common weeds are not the predominant vegetation. Natural Areas are permitted on large, non-residential, tracts and only where they are buffered by wide zones adjoining adjacent land and public rights-of-way.

(6) “Ornamental Grasses” means grasses that are not indigenous to the State of Illinois that are intended to add beauty to a garden. Ornamental grasses do not include turf grasses or weeds.

(7) “Thinning” means reducing plant density using commonly accepted landscape management practices except burning.

(8) “Turf grass” means commercially available cultured grass varieties, including bluegrass, fescue and ryegrass blends commonly used in regularly mowed or manicured lawn areas.

(9) “Weeds” are plants defined as weeds by the Illinois Noxious Weed Law, 505 ILCS 100 et. seq., or the Illinois Exotic Weed Act, 525 ILCS 10/1-5 and any administrative regulations implementing those acts as amended from time to time. The Forestry Division of the Public Works Department of the City may proscribe additional plants that are prohibited. In addition, weeds include specific types of plants designated as weeds in specific types of landscape areas as defined above.

B. LOCATION AND LIMITATIONS OF NATIVE PRAIRIE LANDSCAPE AREAS

(1) Lake Frontage – Natural Areas and Native Prairie Landscape Areas may be located on a lot, lots or parcels of ground abutting, and/or within one-hundred (100) feet of the full-pool edge of Lake Decatur, except that Natural Areas and Native Prairie Landscape Areas may not be located within ten (10) feet of any residential property. Natural Areas and Native Prairie Landscape Areas near or adjoining Lake Decatur must be set back not less than ten (10) feet from the side lot lines. If the owner owns multiple adjacent lots the setback requirements of this ordinance shall apply to the outer perimeter

of the total tract. Said setbacks shall not apply if said lot lines abut Lake Decatur. No Native Prairie Landscape Area may be located in the front yard of a property.

(2) Residential Property – Natural Areas shall not be permitted in residential areas listed as permitted zones for Native Prairie Landscape Areas by this subsection. Following the issuance of a permit as stipulated and required in Paragraph E, Native Prairie Landscape Areas may be located on a lot or parcel of ground in the R-1, R-2, R-3, R-5 or R-6 residential zoning district, or with any residential use, but must be set back not less than ten (10) feet from the side lot lines and not less than ten (10) feet from rear lot rear lot lines. Corner lots or parcels shall have two (2) rear yard setbacks. No Native Prairie Landscape Area shall be located in the front yard of the property, even if the property has no structure. Corner lots will have two front yards in this situation. Size of Native Prairie Landscape Area shall not exceed twenty (20) percent of the rear yard as measured from the rear of an existing home to the rear lot line and from side lot property line to opposite side lot property line. In the event a property is vacant, no Native Prairie Landscape Area shall be permitted in front yards. The 20 percent calculation for placement of a Native Prairie Landscaping Area in the backyard shall be calculated from the middle of the lot, or the front yard building setback line, whichever produces the smaller rear yard area. Native Prairie Landscape Areas shall not exceed a uniform average height of seven (7) feet. On vacant residential properties, Native Prairie Landscape Areas shall be located on the back half of the parcel only. Pots and planters containing native plantings having a planting area of nine (9) square feet or less may be placed in front yards as part of a garden without the need for a permit if they are maintained and managed.

(3) Non-Residential Property - Natural Areas are not permitted in any residential zone, or in any zone within three-hundred (300) feet of an active residential structure. Natural Areas shall not be allowed on lots less than five (5) acres in size, and even in non-residential areas, Natural Areas must be setback not less than twenty-five (25) from the side lot lines and not less than twenty-five (25) feet from the rear lot lines. Corner lots or parcels shall have two (2) rear yard setbacks (corner lots will have two front yards in this situation). Rules for Native Prairie Landscape Areas in Non-Residential zones shall be the same as for residential zones, except as otherwise provided in paragraph B section (2). Size of Native Prairie Landscape Area cannot exceed thirty (30) percent of the rear yard of a non-residential developed parcel as measured from the back corner of existing structure to the rear lot line and from side property line to opposite side property line. Native Prairie Landscape Areas shall not exceed a uniform average height of seven (7) feet in non-residential zones.

(4) Vacant parcels of more than five (5) acres in non-residential areas as defined by Paragraph B section (3) may have Natural Areas and Native Prairie Landscape Areas that comprise the entire parcel except that minimum twenty-five (25) foot setbacks must still be maintained on all sides following issuance of a permit.

C. SETBACKS, PREPARATION AND INITIAL REQUIREMENTS

(1) All setback areas shall be composed of regularly mowed turf grass, garden beds, trees, shrubs, mulch, wood chips, rock and/or gravel and be maintained as set forth in Section 8 of this Chapter.

(2) Native Prairie Landscape Areas shall be planted using species native to Illinois prairies and only through transplanting or seed by human or mechanical means. Soil erosion must be controlled while the ground is bare of plant growth that is sufficient to inhibit erosion and is the sole responsibility of the owner or occupant.

(3) Natural Areas and Native Prairie Landscape Areas shall not be placed within any front yard areas, rear and side yard setbacks, road rights-of-way, or immediately adjacent to any driveway or road intersection when in the view of the City's inspector, it would interfere with motorists' view of the street or roadway.

(4) Prior to planting Native Prairie Landscape Areas, the entire planting areas shall be stripped of all vegetation by removing sod, cutting and overturning sod by tilling and other methods of removing prior vegetation.

(5) Prior to planting Native Prairie Landscape Areas, the owner shall obtain a permit from the City as provided in Paragraph E.

(6) Owners of Natural Areas and Native Prairie Landscape Areas shall be required to maintain permitted areas such that they are free of noxious weeds and are not a harbor of rodents and other animals that invade and/or damage adjoining property. Failure to manage shall be cause for permit revocation.

D. MAINTENANCE. Natural Areas and Native Prairie Landscape Areas must be cut or thinned at least once annually between January 15 and April 30 in accordance with the terms and conditions set forth by the Illinois Environmental Protection Agency. However, Natural Areas and Native Prairie Landscape Areas shall not be maintained through the use of scheduled or controlled burning in the city of Decatur. If the Native Prairie Landscape Area is not maintained in accordance with the terms of this Section, the provisions set forth in Section 8 of Chapter 48 shall apply.

E. PERMIT. An owner or occupant of a lot or parcel of land must apply for a permit to install Natural Areas and Native Prairie Landscape Areas or maintain already existing Natural Areas and Native Prairie Landscape Areas. The permit fee is \$100.00 for parcels under one (1) acre, and \$200.00 for parcels over one (1) acre. Application for a permit shall be on a form as provided by the City and issued by the Forestry Division of the Public Works Department of the City. A landscape plan shall be required with the application and include the following information:

- (1) Name and address of owner and occupant and landscape architect/designer.
- (2) Date of plan preparation and date and description of all revisions.
- (3) Name of project or development.

(4) One (1) scale drawing of the proposed Natural Areas or Native Prairie Landscape Area site based upon property lines with indication of scale and north point with dimensions in feet and inches. This site map shall also include the name and alignment of proposed and existing adjacent on-site streets, the locations of all proposed utility easements and rights of way, setbacks, locations of existing and proposed buildings, topographic contours at two-foot contour intervals, existing and proposed location of parking areas, location of water bodies, locations of sidewalks and percent of the site not covered by impervious surface.

(5) Two (2) scale drawings of the proposed project area to a minimum scale of one inch equals fifty (50) feet of proposed landscaping for the site based upon property lines with indication of scale and north point; existing and proposed topographic contours using mean sea level datum at two foot contour intervals; details of proposed planting beds and foundation plantings; delineation of both sodded and seeded areas; location and identification of proposed landscape or manmade materials used to provide screening from adjacent and neighboring properties with a separate cross section drawing of which shall be provided at legible scale illustrating the effectiveness of proposed screening; location and identification of trees; details of fences, tie walls, planting boxes, retaining walls, tot lots, picnic areas, berms and other landscape improvements including a separate drawing of typical sections of these details in legible scale; location of landscape islands and planter beds with identification of plant materials used including separate drawings of typical section of these areas in legible scale.

(6) A table containing the common names and botanical names, average size of plant materials, root specifications, quantities, special planting instructions and proposed planting dates of all plant materials included in the Landscape Proposal.

(7) A description of how the Native Prairie Landscape Area will be maintained including all activities necessary to sustain the plantings in the Native Prairie Landscape Area.

(8) Such other information as may be requested by the City Manager or his designee.

F. REVOCATION OF PERMIT.

(1) The Permit shall expire and be of no force and effect if the Native Prairie Landscape Area is not planted pursuant to the approved Landscape Plan within six (6) months of issuance of the permit.

(2) The Permit may be revoked by the Forestry Division of the Public Works Department if the Natural Area or Native Prairie Landscape Area does not meet any of the specifications as set forth in the Application for Permit.

G. ENFORCEMENT. The Forestry Division of the Public Works Department of the City shall be responsible for the enforcement of this Section.

H. PROVISIONS. The provisions of this ordinance shall not apply where the City and any other unit of local government have entered into a written agreement for the vegetative management of any property owned by the unit of local government. City of Decatur Staff will revisit this ordinance one (1) year after adoption.

I. NATIVE PRAIRIE LANDSCAPE AREA PLANTS

Note: Any native plants not listed below will need to be approved by the City of Decatur Forestry Division before planting.

Big bluestem (*Andropogon gerardii*)

Black-eyed Susan (*Rudbeckia hirta*)

Blue flag iris (*Iris versicolor*)

Blue Joint Grass (*Calamagrostis canadensis*)
Blue Vervain (*Verbena hastata*)
Blue False indigo (*Baptisia australis*)
Brown-eyed Susan (*Rudbeckia triloba*)
Common Boneset (*Eupatorium perfoliatum*)
Common Ironweed (*Vernonia fasciculata*)
Prairie Cordgrass (*Spartina pectinata*)
Canada Milk Vetch (*Astragalus canadensis*)
Canadian Wild Rye (*Elymus canadensis*)
Compass plant (*Siliphium laciniatum*)
Culver's-Root (*Veronicastrum virginicum*)
Cup plant (*Silphium perfoliatum*)
Dark Green Bulrush (*Scirpus atrovirens*)
Fox Sedge (*Carex vulpinoidea*)
Foxglove Penstemon (*Penstemon digitalis*)
Golden Alexanders (*Zizia aurea*)
Great Blue Lobelia (*Lobelia siphilitica*)
Indian Grass (*Sorghastrum nutans*)
Prairie Indian Plantain (*Amoglossum atriplicifolium*)
Little Bluestem (*Schizachyrium scoparium*)
Milkweed (*Asclepias spp.*)
New England aster (*Symphotrichum novae-angliae*)
Nodding Wild Rye (*Elymus canadensis*)
Ox-eye Sunflower (*Heliopsis helianthoides*)
Pale Purple Coneflower (*Echinacea pallida*)
Prairie Blazingstar (*Liatris pycnostachya*)
Prairie Cordgrass (*Spartina pectinata*)
Prairie Dock (*Siliphium terebinthinaceum*)
Prickly sedge (*Carex stipata*)
Purple coneflower (*Echinacea purpurea*)
Purple Prairie Clover (*Dalea purpurea*)
Rattlesnake Master (*Eryngium yuccifolium*)
Rosinweed (*Siliphium Integrifolium*)
Smooth Blue Aster (*Symphotrichum laeve*)
Showy Tick Trefoil (*Desmodium canadense*)
Side Oats Grama (*Bouteloua curtipendula*)
Spotted Joe-Pye-Weed (*Eutrochium maculatum*)
Stiff Goldenrod (*Oligoneuron rigidum*)
Sweet Coneflower (*Rudbeckia subtomentosa*)
Switch Grass (*Panicum virgatum*)
Virginia Wild Rye (*Elymus virginicus*)
White Wild Indigo (*Baptisia alba*)
Wild Bergamot (*Monarda fistulosa*)

Wild Blue Iris (*Iris shrevei*)
Wild quinine (*Parthenium integrifolium*)
Yellow Cone Flower (*Ratibida pinnata*)
Yellow (Common) Sneezeweed (*Helenium autumnale*)

Section 2. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED and RECORDED this 6th day of July 2020.

Julie Moore Wolfe, Mayor

ATTEST:

Kim Althoff, City Clerk

PUBLISHED this _____ day of _____, 2020.

Kim Althoff, City Clerk

ADDITIONS AND DELETIONS

- CHAPTER 48 - - NUISANCES -

9. NATURAL AREAS AND NATIVE PRAIRIE LANDSCAPE AREAS~~NATIVE PLANT LANDSCAPE AREAS~~. It is the policy of the City of Decatur to allow maintained and managed native landscaping and prairie grass restoration projects and sites in an urban setting that minimize hazards and nuisances for public health, safety, and welfare. It is also the policy of the~~The~~ City of Decatur seeks to prevent erosion of soil into Lake Decatur which serves as the main water source for the citizens of Decatur and surrounding areas. In order to reduce erosion and to promote native landscaping and prairie grass restoration in a properly maintained and managed manner, a lot, tract or parcel of ground or any part thereof within the specific locations set forth below in the City may be improved with Native ~~Plant~~ Prairie Landscaping Areas under the terms and conditions set forth in this Section.

A. **DEFINITIONS.** As used in this Section, unless the context requires otherwise:

(1) "City" means the City of Decatur, Illinois.

(2) "Garden" means a land area where plants are cultivated and managed. Gardens may include native or non-native plants and may be located on public, commercial or residential property. Gardens are purposefully planned, planted, and managed areas which may include a variety of plants including ferns, aquatic plants, native or ornamental grasses, sedges, vines, forbs/flowers, shrubs, and/or trees which are not defined as weeds herein and subject to the City of Decatur Code Chapter 36, Paragraph 2, Section B. If certain types of gardens permitted herein are allowed in front or side lots, they shall not create sight or traffic hazards located at any corner formed by intersecting streets and shall maintain clear sight lines across said premises within the area formed by the property line adjacent to said corner and a diagonal line joining

points on said intersecting property lines twenty-five (25) feet from the point of their intersection. Within the above stated area, no vegetation shall be allowed to grow above two (2) feet in height except trees whose branches are removed to a height of eight (8) feet or more above the ground.~~cultivated area dedicated to growing vegetables, fruits, flowers, ornamental grasses, groundcovers, shrubs and similar plants that are planted in a well defined location.~~

(3) “Native Plants” are those ~~grasses, including prairie grasses, sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), trees and shrubs that are~~ plant species which are native to or naturalized to the State of Illinois, excluding prohibited species, as defined by the Illinois Noxious Weed Law 505 ILCS 100 et.seq. and any Administrative Regulations implementing the Act and all species of running (monopodial) bamboo. Native plants do not include weeds.

(4) “~~Native Plant~~ Prairie Landscape Area” is an area utilizing native plants which are purposefully planted and managed and which requires less maintenance after establishment. Native Prairie Landscape Areas may be used to prevent or reduce soil erosion and rainwater runoff into the watershed and reduce the need for pesticides and fertilizers. A Native Prairie Landscape Area must be composed of plants native to the State of Illinois including ferns, aquatic plants, native grasses, sedges, forbs/flowers, vines, shrubs, and/or trees but not weeds as defined in paragraph A section (8).~~means a designated area comprised of native plants that are being or have been planted in a designated area.~~ A Native Plant Landscape Area does not include gardens.

(5) “Natural Area” means an area that has been purposely left to grow in a natural state and can maintain itself in a stable condition ~~without~~ with minimal human intervention and contains trees, shrubs, and native plants, excluding weeds and turf grass areas that contain more

than fifty (50) percent turf grass. Flowers and non-native plants can be allowed provided that common weeds are not the predominant vegetation. Natural Areas are permitted on large, non-residential, tracts and only where they are buffered by wide zones adjoining adjacent land and public rights-of-way.

(6) “Ornamental Grasses” means grasses that are not indigenous to the State of Illinois that are intended to add beauty to a garden. Ornamental grasses do not include turf grasses or weeds.

(7) “Thinning” means reducing plant density using commonly accepted landscape management practices except burning~~the prescribed burning of Native Plant Landscape Areas pursuant to and under the guidelines as set forth in the Illinois Prescribed Burning Act 525 ILCS 37 et. seq. and any Administrative Regulations implementing the Act.~~

(8) “Turf grass” means commercially available cultured grass varieties, including bluegrass, fescue and ryegrass blends, commonly used in regularly mowed or manicured lawn areas.

(9) “Weeds” ~~are plants defined as weeds by the means noxious weeds as defined and designated pursuant to the Illinois Noxious Weed Law, 505 ILCS 100 et. seq., as amended from time to time, or any volunteer plants such as but not limited to garlic mustard (Alliaria petiolata), spotted knapweed (Centaurea maculosa) or burdock (Aretium minus).~~ The Forestry Division of the Public Works Department of the City may proscribe additional plants that are prohibited. In addition, weeds include specific types of plants designated as weeds in specific types of landscape areas as defined above.

B. LOCATION AND LIMITATIONS OF NATIVE PRAIRIE LANDSCAPE AREAS:

(1) Lake Frontage – Natural Areas and Native ~~Plant~~ Prairie Landscape Areas may ~~only~~ be located on a lot, ~~lots~~ or parcels of ground ~~that abuts~~abutting, and/or ~~within~~ and has at least ~~seventy-five~~one-hundred (75~~100~~) feet of ~~frontage on~~the full-pool edge of Lake Decatur, ~~except that Natural Areas and Native Prairie Landscape Areas may not be located within ten (10) feet of any residential property. Natural Areas and Native Prairie Landscape Areas near or adjoining Lake Decatur and~~ must be set back not less than ten (10) feet from the side lot lines, ~~and the rear lot lines without approved native landscape growth containment barriers in place and two (2) feet from the side lot lines with approved native landscape growth containment barriers in place. If the owner owns multiple adjacent lots the setback requirements of this ordinance shall apply to the outer perimeter of the total tract. Said setbacks shall not apply if said lot lines abut Lake Decatur. No Native ~~Plant~~ Prairie Landscape area may be located in the front yard of a property.~~

(2) Residential Property – Natural Areas shall not be permitted in residential areas listed as permitted zones for Native Prairie Landscape Areas by this subsection. Following the issuance of a permit as stipulated and required in Paragraph E, Native Prairie Landscape Areas may be located on a lot or parcel of ground in the R-1, R-2, R-3, R-5 or R-6 residential zoning district, or with any residential use, but must be set back not less than ten (10) feet from the side lot lines and not less than ten (10) feet from rear lot rear lot lines. Corner lots or parcels shall have two (2) rear yard setbacks. No Native Prairie Landscape Area shall be located in the front yard of the property, even if the property has no structure. Corner lots will have two front yards in this situation. Size of Native Prairie Landscape Area shall not exceed twenty (20) percent of the rear yard as measured from the rear of an existing home to the rear lot line and from side lot property line to opposite side lot property line. In the event a property is vacant, no Native Prairie Landscape Area shall be permitted in front yards. The 20 percent calculation for placement of a

Native Prairie Landscaping Area in the backyard shall be calculated from the middle of the lot, or the front yard building setback line, whichever produces the smaller rear yard area. Native Prairie Landscape Areas shall not exceed a uniform average height of seven (7) feet. On vacant residential properties, Native Prairie Landscape Areas shall be located on the back half of the parcel only. Pots and planters containing native plantings having a planting area of nine (9) square feet or less may be placed in front yards as part of a garden without the need for a permit if they are maintained and managed.

(3) Non-Residential Property - Natural Areas are not permitted in any residential zone, or in any zone within three-hundred (300) feet of an active residential structure. Natural Areas shall not be allowed on lots less than five (5) acres in size, and even in non-residential areas, Natural Areas must be setback not less than twenty-five (25) from the side lot lines and not less than twenty-five (25) feet from the rear lot lines. Corner lots or parcels shall have two (2) rear yard setbacks (corner lots will have two front yards in this situation). Rules for Native Prairie Landscape Areas in Non-Residential zones shall be the same as for residential zones, except as otherwise provided in paragraph B section (2). Size of Native Prairie Landscape Area cannot exceed thirty (30) percent of the rear yard of a non-residential developed parcel as measured from the back corner of existing structure to the rear lot line and from side property line to opposite side property line. Native Prairie Landscape Areas shall not exceed a uniform average height of seven (7) feet in non-residential zones.

(4) Vacant parcels of more than five (5) acres in non-residential areas as defined by Paragraph B section (3) may have Natural Areas and Native Prairie Landscape Areas that comprise the entire parcel except that minimum twenty-five (25) foot setbacks must still be maintained on all sides following issuance of a permit.

C, SETBACKS, PREPERATION AND INITIAL REQUIREMENTS

(1) All setback areas shall be composed of regularly mowed turf grass, garden beds, trees, shrubs, mulch, wood chips, rock and/or gravel and be maintained as set forth in Section 8 of this Chapter.

(2) Native ~~Plant~~ Prairie Landscape Areas shall be planted using species native to Illinois prairies and only through transplanting or seed by human or mechanical means. Soil erosion must be controlled while the ground is bare of plant growth that is sufficient to inhibit erosion and is the sole responsibility of the owner or occupant.

(3) Natural Areas and Native ~~Plant~~ Prairie Landscape Areas shall not be placed within any front yard areas, ~~drainage utility easements~~ rear and side yard setbacks, road right-of-ways, or immediately adjacent to any driveway or road intersection when in the view of the City's inspector, it would interfere with motorists' view of the street or roadway.

(4) Prior to planting Native Prairie Landscape Areas, the entire planting areas shall be stripped of all vegetation by removing sod, cutting and overturning sod by tilling and other methods of removing prior vegetation.

(5) Prior to planting Native Prairie Landscape Areas, the owner shall obtain a permit from the City as provided in Paragraph E.

(6) Owners of Natural Areas and Native Prairie Landscape Areas shall be required to maintain permitted areas such that they are free of noxious weeds and are not a harbor of rodents and other animals that invade and/or damage adjoining property. Failure to manage shall be cause for permit revocation.

€D. MAINTENANCE. Natural Areas and Native ~~Plant~~ Prairie Landscape Areas must be cut or thinned at least once annually between January 15 and April 30 ~~to a height no greater~~

~~than ten (10) inches. Thinning must be conducted underin accordance with the terms and conditions set forth by the Illinois Environmental Protection Agency. However, Natural Areas and Native Prairie Landscape Areas shall not be maintained through the use of scheduled or controlled burning in the city of Decatur. If the Native Prairie Landscape Area is not maintained in accordance with the terms of this Section, the provisions set forth in Section 8 of Chapter 48 shall apply and the Chief of the City Fire Department with all costs to be paid by the owner or occupant of the property and under the following conditions:~~

~~(1) Authorization to conduct a prescribed burn must first be obtained from the Illinois Environmental Protection Agency by obtaining an I.E.P.A Prescribed Burn Permit.~~

~~(2) A City of Decatur Prescribed Burn Permit must also be obtained.~~

~~(3) Both permits must be on hand during the time of the prescribed burn and be readily available for inspection upon request from any Decatur Fire Department Fire Officer or City Official. The IEPA permit shall include a copy of the prescription for the burn from a certified prescribed burn manager. The prescription shall obtain, as a minimum, the following:~~

~~(a) Site description~~

~~(b) Map of the area to be burned~~

~~(c) Desired outcome~~

~~(d) Personnel and equipment to be used on the prescribed burn~~

~~(e) Training level of personnel conducting the burn~~

~~(i) Personnel conducting the prescribed burn must be in compliance with:~~

~~(ii) NFPA 1051 Standard for Wildland Fire Fighter Professional Qualifications~~

~~(iii) NFPA 1143 Standard for Wildland Fire Management~~

~~(4) The following conditions must also be met at the time of the burn:~~

~~(a) At least one certified prescribed burn manager must be present on site with a copy of the prescription while the burn is being conducted.~~

~~(b) The Decatur Fire Department shall be notified prior to commencing the burn and at the conclusion of the burn.~~

~~(c) A reasonable effort shall be made to notify all adjoining property owners and occupants of the date and time of the prescribed burn.~~

~~(d) The burn must be conducted no earlier than 8:00 a.m. and must be completed by 5:00 p.m. on the same day.~~

~~(e) Burning shall be conducted only when wind speed and direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, or off site structure.~~

~~(f) Burning must be attended at all times.~~

~~(g) A water source such as a garden hose and/or bucket shall be readily available.~~

~~(h) Burning shall not be closer than 25 feet to any structure.~~

~~(5) If any of these provisions are not met, the person responsible for the burn is subject to a \$150.00 City of Decatur Fire Prevention Violation Citation.~~

~~(6) The Decatur Fire Department reserves the right to extinguish any fire, including prescribed burns, if the fire is judged to be a nuisance.~~

~~If the Native Plant Landscape Area is not maintained in accordance with the terms of this Section, the provisions set forth in Section 8 of Chapter 48 shall apply.~~

~~**DE. PERMIT.** An owner or occupant of a lot or parcel of land must apply for a permit to install Natural Areas and Native Plant-Prairie Landscape Areas or maintain already existing Natural Areas and Native Plant-Prairie Landscape Areas. The permit fee is \$100.00 for parcels under one (1) acre, and \$200.00 for parcels over one (1) acre. Application for a permit shall be on a form as provided by the City and issued by the Forestry Division of the Public Works Department of the City. A landscape plan shall be required with the application and include the following information:~~

~~(1) Name and address of owner and occupant and landscape architect/designer.~~

~~(2) Date of plan preparation and date and description of all revisions.~~

~~(3) Name of project or development.~~

(4) One (1) scale drawing of the proposed Natural Areas or Native Prairie Landscape Area site based upon ~~a survey of~~ property lines with indication of scale and north point with dimensions in feet and inches. This site map shall also include the name and alignment of proposed and existing adjacent on-site streets, the locations of all proposed utility easements and rights of way, setbacks, locations of existing and proposed buildings, topographic contours at two-foot contour intervals, existing and proposed location of parking areas, location of water bodies, locations of proposed sidewalks and percent of the site not covered by impervious surface.

(5) Two (2) scale drawings of the proposed project area to a minimum scale of one inch equals fifty (50) feet of proposed landscaping for the site based upon ~~a survey of~~ property lines with indication of scale and north point; existing and proposed topographic contours using mean sea level datum at two foot contour intervals; details of proposed planting beds and foundation plantings; delineation of both sodded and seeded areas; location and identification of proposed landscape or manmade materials used to provide screening from adjacent and neighboring properties with a separate cross section drawing of which shall be provided at legible scale illustrating the effectiveness of proposed screening; location and identification of trees; details of fences, tie walls, planting boxes, retaining walls, tot lots, picnic areas, berms and other landscape improvements including a separate drawing of typical sections of these details in legible scale; location of landscape islands and planter beds with identification of plant materials used including separate drawings of typical section of these areas in legible scale.

(6) A table containing the common names and botanical names, average size of plant materials, root specifications, quantities, special planting instructions and proposed planting dates of all plant materials included in the Landscape Proposal.

(7) A description of how the Native ~~Plant~~Prairie Landscape Area will be maintained including all activities necessary to sustain the plantings in the Native ~~Plant~~Prairie Landscape Area.

(8) Such other information as may be requested by the City Manager or his designee.

EF. REVOCATION OF PERMIT.

(1) The Permit shall expire and be of no force and effect if the Native ~~Plant~~Prairie Landscape Area is not completed pursuant to the approved Landscape Plan within ~~three-six~~ (36) months of issuance of the permit.

(2) The Permit may be revoked by the Forestry Division of the Public Works Department if the Natural Area or Native ~~Plant~~Prairie Landscape Area does not meet the specifications as set forth in the Application for Permit.

FG. ENFORCEMENT. The Forestry Division of the Public Works Department of the City shall be responsible for the enforcement of this Section.

H. PROVISIONS. The provisions of this ordinance shall not apply where the City and any other unit of local government have entered into a written agreement for the vegetative management of any property owned by the unit of local government. City of Decatur Staff will revisit this ordinance one (1) year after adoption.

I. NATIVE PRAIRIE LANDSCAPE AREA PLANTS

Note: Any native plants not listed below will need to be approved by the City of Decatur Forestry Division before planting.

- Big bluestem (Andropogon gerardii)
- Black-eyed Susan (Rudbeckia hirta)
- Blue flag iris (Iris versicolor)
- Blue Joint Grass (Calamagrostis canadensis)
- Blue Vervain (Verbena hastata)
- Blue False indigo (Baptisia australis)

Brown-eyed Susan (Rudbeckia triloba)
Common Boneset (Eupatorium perfoliatum)
Common Ironweed (Vernonia fasciculata)
Prairie Cordgrass (Spartina pectinata)
Canada Milk Vetch (Astragalus canadensis)
Canadian Wild Rye (Elymus canadensis)
Compass plant (Siliphium laciniatum)
Culver's-Root (Veronicastrum virginicum)
Cup plant (Silphium perfoliatum)
Dark Green Bulrush (Scirpus atrovirens)
Fox Sedge (Carex vulpinoidea)
Foxglove Penstemon (Penstemon digitalis)
Golden Alexanders (Zizia aurea)
Great Blue Lobelia (Lobelia siphilitica)
Indian Grass (Sorghastrum nutans)
Prairie Indian Plantain (Amoglossum atriplicifolium)
Little Bluestem (Schizachyrium scoparium)
Milkweed (Asclepias spp.)
New England aster (Symphyotrichum novae-angliae)
Nodding Wild Rye (Elymus canadensis)
Ox-eye Sunflower (Heliopsis helianthoides)
Pale Purple Coneflower (Echinacea pallida)
Prairie Blazingstar (Liatris pycnostachya)
Prairie Cordgrass (Spartina pectinata)
Prairie Dock (Siliphium terebinthinaceum)
Prickly sedge (Carex stipata)
Purple coneflower (Echinacea purpurea)
Purple Prairie Clover (Dalea purpurea)
Rattlesnake Master (Eryngium yuccifolium)
Rosinweed (Siliphium integrifolium)
Smooth Blue Aster (Symphyotrichum laeve)
Showy Tick Trefoil (Desmodium canadense)
Side Oats Grama (Bouteloua curtipendula)
Spotted Joe-Pye-Weed (Eutrochium maculatum)
Stiff Goldenrod (Oligoneuron rigidum)
Sweet Coneflower (Rudbeckia subtomentosa)
Switch Grass (Panicum virgatum)
Virginia Wild Rye (Elymus virginicus)
White Wild Indigo (Baptisia alba)
Wild Bergamot (Monarda fistulosa)
Wild Blue Iris (Iris shrevei)
Wild quinine (Parthenium integrifolium)
Yellow Cone Flower (Ratibida pinnata)
Yellow (Common) Sneezeweed (Helenium autumnale)

(Amended, Ordinance No. 2017-19, April 17, 2017)