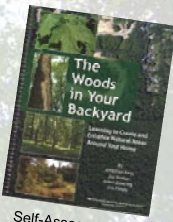



## Public Perception and Education: Woods in Your Backyard Extension Program

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Self-Assessment  
Manual



## Educating Landowners for Success?




- Woods in Your Backyard program uses manual with local workshops to educate landowners to make more informed decisions about forests, wildlife, water quality, recreation, and aesthetics
- Use the self-assessment manual and other resources
- Over 1400 people have received education and about 70-80% indicate they want to convert existing lawn to forest.
- **POINT: we need weed ordinances that encourage landowners, not penalize them.**

## The Issues

- Parcelization of the landscape into large lot subdivisions - < 10 acres
- Public goal of encouraging sustainable land use
- Consumer trend toward natural landscaping
- Reduction of fertilizers and chemicals
- Barriers created by weed control ordinances?



## Challenges Addressed by Woods in Your Backyard Program




How to transition from mowed to....
Natural areas by planting or natural succession

**Instruction on how to enhance natural areas as well.**

## A Different Land Ethic... Can Create Conflict

different opinions on aesthetics



## Natural Landscaping in the News

**One man's grassland is neighbor's annoyance**



Weed ordinance case in Washington County from September 2008 highlights differing views on landscaping

Picked up by Associated Press

**One person's habitat...**



Man told his nature plot violates weed ordinance

## Definitions

- **Natural landscaping** – the practice of cultivating plants which are native to the regional without resort to artificial methods.
- **Weed** – A plant considered undesirable, unattractive or troublesome, especially one growing where it is not wanted.
- **Weed law** – An federal, state, county and local, statute, regulation or ordinance which limits the type or size of vegetation which grows or is cultivated on land within a jurisdiction.

## History of Weed Laws & Battles

- **Why** – to protect the public from neglectful landowners whose littered yard could attract rats, mosquitoes or present a fire hazards. Enforces unnatural aesthetic conformity.
- **Problem** – local weed laws tend to protect and proliferate turf and resulting environmental consequences while hindering natural area development.

## Arguments for Weed Laws

- **Fire prevention** – grass fires do not sustain fires. Control by burning laws
- **Vermin** – naturally vegetated areas do no sustain rats and other vermin
- **Mosquitoes** – provide breeding places. Actually require standing water which is not usually a problem
- **Pollen** – wind-borne pollen may travel hundreds of miles so local weed ordinances have virtually no effect on reducing allergy causing pollens (*Board of Supervisors of Fairfax Co, VA v. Wills and Van Metre, Inc, 1976*). Ragweed is a problem but quickly succeeded by grasses.
- **Aesthetics** – they don't look nice, are messy. Beauty in the eye of the beholder.

## Court Cases

Source: *Green Landscaping: Greenacres*, *The John Marshall Law Review*, Vol. 26, Summer, 1993, No. 4.  
<http://www.epa.gov/greenacres/weedlaws/index.html>

- **Lorrie Otto** – 1950's suburban Milwaukee 1.5 acre property. Created field with aster, goldenrod, ferns. Convinced public officials natural landscaping a public good and not a health hazard.
- **City of Berlin vs. Hagar** – several acre meadow. No proof of health, fire or pollen hazard, or effect on property values.

## Court Cases

- **Montgomery Co, MD vs. Stewart** – 1987 – six acre natural landscape. Weed ordinance citation. No danger to safety or health of residents. County changed ordinance.
  - Allow meadows as long as there is a 15-foot buffer maintained at 12 inches or less, and species on a noxious weed list are controlled.
- **Little Rock, AK v. Allison** – ½ acre in Little Rock – violation of 10-inch weed ordinance. Testimony that natural landscapes do no attract rats or pest snakes, but attract songbirds.

## Court Cases

- **The "Chicago 5"** – 1991 - battle to convince city to permit residents to allow natural landscaping, something the state, county and park district actively practice on public lands.
  - Natural landscapers, North Branch Prairie Restoration Project, Bob-O-Link Prairie Reconstruction Project, etc
  - Fed up with continuous threats of citation for violating the weed ordinance, filed federal suit to declare Chicago Weed Ordinance unconstitutional.

## Modified Local Weed Laws

Retain traditional prohibition of growing “weed” or “rank vegetation but use of two modifying clauses:

1. **Setback ordinance** – setback from a property line with a maximum vegetation height
  - Distance could depend on land use
2. **Natural landscape exception ordinance** protect natural landscapes
  - Native plantings, wildlife, erosion control, programs, parks and open space, wooded areas

## Natural Landscaping Programs

- **National Wildlife Federation** – 1973 – Created Backyard Wildlife Habitat Program.
- **Ladybird Johnson and the National Wildflower Research Center** - 1982
- **The Woods in Your Backyard** – 2006 – University of Maryland, Penn State, Virginia Cooperative Extension program to educate small acreage owners on how to create and enhance natural areas. Being implemented in other states as well.

## Principles for Local Weed Laws

- Protect right of residents to choose their landscaping
- Apply equally to residents, city, county, state, etc
- Restrictions have a rational basis (i.e. health, safety, etc)
- Should not legislate conformity or allow neighbors to exercise control over neighbors landscapes
- Should not require filing papers, plans – no review
- Enforcers can differentiate between permitted & unpermitted uses
- Due process of law guarantees individual rights

## For More Info...



For More information on the Woods in Your Backyard Program go to [www.naturalresources.umd.edu](http://www.naturalresources.umd.edu)  
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