

ORDINANCE 2026 - _____

AN ORDINANCE TO AMEND AND SUPPLEMENT PART II OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY ADDING THERETO A NEW CHAPTER 112 FOR MANAGED NATURAL LANDSCAPES WITHIN THE TOWNSHIP

Whereas, Managed Natural Landscapes planted with indigenous/native plants are localized, well adapted to the local soils and climate, tend to be more disease resistant, and require less watering than traditional grass lawns; and

Whereas, Responsibly planned and well managed natural landscapes possess the potential to enhance the beauty of the landscape, maintain and restore biodiversity, and support native pollinators, butterflies, and birds, who utilize such plants for food, cover and rearing their young; and

Whereas, Managed Natural Landscapes planted with indigenous/native plants improve water quality and contribute to local ecosystems and environmental health; and

Whereas, Managed Natural Landscapes planted with indigenous/native plants allow rain to percolate through the soil due to the benefit of their deeper root systems, and thereby, reduce erosion while filtering stormwater runoff; and

Whereas, 'Introduced' and 'established' plants describes plants not naturally occurring or introduced into the environment through human intervention that produce self- sustaining populations; and

Whereas, the term 'disruptive introduced' will be used to describe a harmful plant that, if left untreated, dominates the landscape as opposed to the term 'invasive' which can harbor negative connotations; and

Whereas, disruptive introduced plants disrupt the local ecology of natural ecosystems, displace indigenous plants and animal species, and degrade our biodiversity; and

Whereas, failure to properly and routinely maintain vegetation can lead to neighbor disputes, public health concerns and traffic issues due to the growth of noxious weeds, harborage of vermin, and the encroachment of vegetation into public rights-of-way, easements and adjoining properties; and

Whereas, the Environmental Protection Agency acknowledges the importance of indigenous/native plants for their beauty and their ability to reduce soil erosion, improve water quality, store carbon, and reduce pollution; and

Whereas, the US Department of Agriculture recognizes that indigenous (native) plants are particularly adapted to the local climate and soil conditions where they naturally occur while providing nectar, pollen, and seeds for native butterflies,

insects, birds, and other animals; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Chapter 112 MANAGED NATURAL LANDSCAPES

Section 1

§112-1 **Intended Purposes**. The purpose of this Chapter of the Code is to establish standards for the design, installation, and maintenance of managed natural landscapes, also commonly referred to as “pollinator gardens,” “rain gardens,” “natural lawns,” “mini meadows,” “pocket prairies,” and “managed meadows,” and to promote the use of indigenous/native plant material over disruptive introduced plants within the Township of West Windsor. West Windsor Township wishes to establish standards to promote responsible landscape practices which support sustainable initiatives while simultaneously ensuring properties are maintained in a manner which protects the safety, well-being and neighborhood harmony of the community by recognizing the importance of maintaining road safety, walk/bike-ability of public spaces, and establishing public health provisions.

It is the further intent of this Chapter to establish standards for the planting and maintenance of pollinator gardens and other managed natural landscapes in the Township. Incorporating indigenous/native plantings throughout the Township helps to mitigate the effects of habitat loss and fragmentation from development, and combats climate change, stormwater runoff and species extinction, as well as promotes the public health, safety, and welfare by:

- A) Acknowledging that pollination is an essential ecological survival function that depends on indigenous/native plants and the pollinators that rely on them;
- B) Promoting microhabitats for the conservation of wildlife by establishing new wildlife habitat while maintaining and connecting existing habitat;
- C) Doing our part to reverse the massive decline in native pollinator populations from loss of habitat due to development, widespread use of pesticides, herbicides, and other chemicals and a cultural insistence on using ecologically detrimental plants in landscaping;
- D) Creating larger and more connected plant populations to help ensure the future of native plant species and their pollinators by increasing their ability to migrate in response to changes in climate;
- E) Educating residents on the importance of indigenous/native plant species and native pollinators to the ecosystem.

§112-2 **DEFINITIONS**

For this chapter, the following terms, phrases, words, and their derivations shall have

the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely discretionary.

ESTABLISHED PLANT

Any introduced plant that can survive and produce self-sustaining populations without human assistance.

GARDEN

A cultivated area dedicated to growing vegetables, fruits, annual and/or perennial plants, shrubs, ornamental grasses, and ground cover in a well-defined location.

HABITAT/POLLINATOR GARDEN

An intentionally cultivated space designed to benefit wildlife, containing indigenous/native plants, shrubs, and grasses intended to provide food and shelter for native insects, birds, and small mammals through the seasons while conserving biodiversity.

INTRODUCED PLANT

A plant introduced with human help (intentionally or accidentally) to a different eco-region habitat where it was not previously found.

DISRUPTIVE INTRODUCED (INVASIVE) PLANT

A plant species reproducing outside its native range and outside cultivation that causes harm or disrupts naturally occurring indigenous/native plant communities by altering the composition, natural processes, or quality of a habitat.

INDIGENOUS/NATIVE PLANT

Those species of plants naturally occurring within the northeast and mid-Atlantic regions of the United States before Euro-American settlement, according to best scientific and historical documentation.

KEYSTONE SPECIES

Indigenous/native plant species that are crucial for supporting a large portion of local animal and insect life, particularly caterpillars and native bees, within an ecosystem. These plants are vital to the food web, and their removal can significantly impact the overall health and stability of the ecosystem.

LANDSCAPED AREA

Land modified for aesthetic appeal or function including parks, exterior public and private space, streetscapes, open spaces, yards. Its typical purpose is to enhance a property's look and/or usability.

LANDSCAPE

Any combination of living plants and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.

MANAGED NATURAL LANDSCAPE

A planned, intentional and maintained landscape that includes deliberately selected herbaceous plant materials as follows: a mixture of indigenous/native grasses, wildflowers, herbs, or forbs including but not limited to- pollinator gardens, rain gardens, meadow vegetations, and perennial plantings.

MEADOW VEGETATION

Grasses and flowering broad-leaf plants that are indigenous to, or adapted to, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

MONOCULTURE

The practice of planting one species in a field or garden.

NOXIOUS WEEDS

Any plant designated by a federal, state, or county government as injurious to public health, agriculture, recreation, wildlife or property. A noxious weed may be native or nonnative, invasive or noninvasive and may also be commonly defined as a plant that grows out of place and is competitive, persistent, and pernicious.

ORNAMENTAL GRASSES

Grasses that are not indigenous to the State of New Jersey that are intended to add beauty to a garden, typically only pruned once per year at the end of the growing season. Ornamental grasses do not include turfgrasses or weeds.

POLLINATOR

Animals (primarily insect, but sometimes avian or mammalian) that fertilize plants, resulting in the formation of seeds and the fruit surrounding seeds, that humans and other animals rely on to produce nuts, vegetables, and fruits that are essential components of a healthy diet, and that the majority of flowering plant species found worldwide rely on to make the seeds that will become the next generation of plants.

RAIN GARDEN

An indigenous/native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater runoff and accompanying

pollutants from entering streams, rivers, and lakes. Typically installed in pre-existing areas of poor drainage and/or shallow depressions, with a drainage area not exceeding one (1) acre. Also includes Bioswales.

RIGHT-OF-WAY

The land used or intended for use as streets, as shown on deeds, plats, tax maps or the Master Plan, as defined in §152-6 Definitions.

TRANSPLANT

To transport a plant from one spot to another within the confines of a property in the context of landscaping.

TURFGRASS

Commercially available cultured turfgrass varieties, including bluegrass, fescue and ryegrass blends, commonly used in regularly cut lawn areas.

§112-3 STANDARDS ESTABLISHED FOR MANAGED NATURAL LANDSCAPES

- A. An owner, occupant or tenant of any privately-owned lands or premises may, consistent with this chapter and all other applicable laws, statutes, rules and ordinances, install and maintain a managed natural landscape, such as a pollinator garden or rain garden or managed meadow.
- B. Managed natural landscapes shall not include any plant identified by any applicable government agency as a noxious weed. Managed natural landscapes may include plants and grasses of any height and which have gone to seed as long as they are not encroaching in a right-of-way, clear sight area, or sidewalk. Managed natural landscapes shall not include plants that, due to location and/or manner of growth, constitute a hazard to the public.
- C. Managed natural landscapes shall be maintained free from the growth of poison ivy, poison sumac or poison oak.
- D. Managed natural landscapes shall be maintained free from the harborage of pests of public health significance, including but not limited to rats.
- E. Managed natural landscapes shall be maintained free from the accumulation of stagnant water supportive of mosquito breeding.
- F. The managed natural landscape shall include plant material as follows: a mixture of indigenous/native grasses and indigenous/native herbaceous plants of varying heights that maintain a general overall height of 36" and provides food, water, and cover for wildlife species. Woody plants such as trees and shrubs can be interspersed within the managed natural landscape as well, but do not normally

make up the majority of the landscape species.

G. Location on property; minimum buffer area requirements:

(1) A managed natural landscape may be located within the front, side, or back yard, provided the following buffer areas are provided. Buffer area ground cover shall be turfgrass, low growing plantings or a natural mulch:

- a. A minimum of three feet (thirty-six inches) in depth along and abutting all public roads (curb line/edge of pavement), public sidewalks and other public ways (paths, trails, access roads, etc.).
- b. A minimum of four feet (forty-eight inches) in depth bordering neighboring properties. An exception may be permitted when one or more of the following conditions is met:
 - i. The adjacent property owner has consented, in writing, to waive the buffer area and a copy of the consent is provided to the Township.
 - ii. For rear and side yards: a fully opaque fence a minimum of 5 feet in height is installed between the managed natural landscape and the property line. Where a fence is provided, the owner shall maintain the plantings to prevent their encroachment into neighboring properties.
 - iii. In some circumstances this buffer may be waived where the managed natural landscape area abuts a neighboring managed natural landscape area, a Conservation Easement, or Township Greenbelt area.

(2) All vegetation in a managed natural landscape buffer area shall be consistently maintained at a height not exceeding 12 inches. The buffer area shall also be routinely maintained to be kept free from vegetation extending from the managed natural landscape, due to "drooping," or other forms of encroachment.

H. Clear sight distance for vision at intersections shall be maintained. The owner of any lands lying within the Township shall keep managed natural landscapes, brush, hedges and other plant life, consistently maintained at a height not exceeding thirty (30) inches in the following areas:

- (1) within 25 feet of the point of intersection of two street rights-of-way; and
- (2) within 20 feet of the point of intersection of either side of a driveway with a street right-of-way.
- (3) Street trees located within the public right of way between the curb and the sidewalk are excluded from the provisions of this chapter.
- (4) The Township Landscape Architect or other enforcing official may waive this requirement for established woody plants such as trees or hedges, when in their opinion, the vegetation does not present a safety hazard.

Lands subject to a recorded sight triangle easement shall also comply with the terms of said easement.

- I. Any rain garden provided and constructed for development stormwater control in order to satisfy the requirements of Chapter 200 "Land Use," Article XXI "Stormwater Control," must comply with the provisions of that Article.

§112-4 ENFORCEMENT AND VIOLATIONS

The provisions of this Chapter shall be enforced by the Township Landscape Architect or other municipal official designated by the Business Administrator. The following acts, which are confirmed after proper investigation by the Township Landscape Architect or other enforcing officials, are deemed to be violations:

- A. Noxious weeds are present, in violation of Chapter 115, "Nuisances."
- B. Vegetation in any required buffer area is not being consistently maintained at a height not exceeding 12 inches.
- C. Vegetation in a managed natural landscape is determined to be an impediment to public sidewalks, trails or bikeways.
- D. Any area of unmown turf grasses or weeds, or any other unmanaged vegetation growth, shall not constitute a managed natural landscape.
- E. The lack of consistent maintenance of the vegetation in a clear sight area at or below a height not exceeding 30 inches, or such that the vegetation interferes with the safe movement of the public traveling upon any right-of-way or easement.
- F. The property owner otherwise fails to maintain the natural landscape in compliance with this chapter.
- G. Health or public safety concerns are found to exist which include, but are not limited to: conditions which constitute a fire hazard, rodent infestation, presence of poison ivy, poison oak, poison sumac, or other poisonous plants, or accumulation of stagnant water supportive of mosquito breeding. Conditions found to be in violation of Chapter 115 "Nuisances" may be referred to the Division of Health for citation and enforcement, in accordance with the provisions of that chapter.

§112-5 INSPECTIONS

- A. All places and premises in the Township shall be subject to inspection by the Township Landscape Architect or the designated enforcing official if that official has reason to believe that any section of this chapter is being violated.
- B. The enforcing official shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this ordinance, in order to determine if applicable provisions of the Code and regulations relating to managed natural landscapes are being followed. Inspections may be made without notice, and

refusal to allow such an inspection shall be deemed a violation of this ordinance. Such failure to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying or examining said premises.

§112-6 NOTICE OF VIOLATION; ABATEMENT; PENALTIES

- A. Whenever the owner, occupant or tenant of a property within the Township shall make, cause or permit the growth or accumulation of plant materials, on or upon the lands so as, in the opinion of the Landscape Architect or designated enforcement official, to constitute a violation of this Chapter, a written notice shall be provided to the owner to remove or abate the same within ten (10) calendar days from the date of the service thereof.
- B. Service of notice. Notice may be given in the same manner as provided for the service of judicial process in any of the courts of the State of New Jersey or by sending the same by registered mail, return receipt requested, postage prepaid, addressed to the owner or tenant at his or her last known post office address. If the owner cannot be notified speedily, the notices shall be left at that place or premises with the tenant or occupant thereof or posted on the premises on the property in violation of this chapter, and such action shall be considered proper notification to the owner. Notice to the owner of the violation and the time to abate shall be deemed complete three days after the date on the violation notice, if served by regular first-class mail or posted on the property. This notice shall specify the condition constituting the violation existing upon such lands and shall contain a summary of the provisions.
- C. Upon failure to comply with the notice of violation, the property owner, occupant or tenant may be subject to further penalty under the general penalty provisions of Section 1-3 of the Township Code.

§112-7 COMMUNITY EDUCATION

The public shall, by programs offered by the Township, be educated about the importance of indigenous/native plants to the West Windsor Township landscape. The Township will promote the use of indigenous/native plants by creating educational information on its website about the importance of native plants, including a list of the keystone plants indigenous to the Township ecoregion and the nurseries that sell them. The Township will further encourage responsible landscape practices, which simultaneously respect the safety, general well-being and public health of the community.

SECTION 2. In the event of any conflict between the provisions and requirements of this Chapter and the provisions and requirements of any other Chapter of the Code, the provisions and requirements of this Chapter shall govern.

SECTION 3. This ordinance shall take effect 20 days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, which is applicable upon publication according to law.

INTRODUCTION: _____, 2026
PUBLIC HEARING: _____, 2026
ADOPTION: _____, 2026

MAYORAL APPROVAL: _____, 2026
EFFECTIVE DATE: _____, 2026

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