

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 11

Introduced by Council Members Vann, Comrie, Fidler, James, Palma, Williams, Van Bramer, Rodriguez, Levin, Nelson, Mark-Viverito, Dromm, Chin, Koppell, Gennaro, Arroyo, Barron, Crowley, Eugene, Greenfield, Jackson, Koo and Lappin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to increasing native biodiversity in public landscapes.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that native plants are the building blocks of our biological diversity and the cornerstone of our natural ecosystems. The Council also finds that invasive plant species are a detriment to the environment, out-competing native plant species and the animals that depend on them, and leaving them vulnerable to depletion or extinction. Further, native plantings may also result in reduced maintenance costs. Therefore the Council finds that it is in the best interests of the City to require greater native biodiversity and limit the use of invasive species in public landscapes.

§2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-141 to read as follows:

§18-141 Native biodiversity planting practices. a. Increased native biodiversity. By November 1, 2013, the department shall revise its design manual to increase biodiversity in its landscape practices. Such practices shall maximize the use of native plantings and drought and salt tolerant plantings, as appropriate, and minimize the presence of exotic monocultures on all

city-owned property, including green streets, medians, sidewalks, parks and other areas where plantings occur. Where native plant species are not appropriate, such practices shall require the use of any plant species that has not been determined to be an invasive plant species by the New York state department of environmental conservation or by the department, or determined to be a noxious weed by the New York state department of agriculture and markets. Such manual shall include:

1. a native species planting guide, to be updated at least every five years, that lists the qualities of native species suitable for planting in the city of New York, including, but not limited to, the appropriate hydrological and soil conditions, necessary sunlight, drought and salt water tolerance, coloring, shade cover, compatibility with other plants and usefulness as a habitat; and

2. a list of alternative native species for commonly used non-native species.

b. The manual developed pursuant to this section shall be accessible for use by property owners and professional land managers to increase biodiversity and the use of native species, and shall be made available on-line on the department's website. For purposes of this section only, "native species" shall mean, with respect to a particular ecosystem, a species that, other than as the result of introduction, historically occurred or currently occurs in that ecosystem.

c. All plantings conducted by the department after May 1, 2014, shall conform to the design manual promulgated or drafted pursuant to this section. Each calendar year from 2015 to 2019, inclusive, the department shall review the effectiveness of the use of its design manual to increase native biodiversity in public plantings and shall issue a report to the mayor and the council documenting the number and location of all native species plantings in the prior year, including efforts made by the department to utilize local genotypes, and a description of the department's plans for increasing the diversity of native species in the city.

d. Exemption. Botanic gardens and public institutions who possess plants for educational, scientific, historic or collection purposes and take precautions to prevent non-native species from going to seed or spreading beyond the existing planting shall be exempt from the requirements of this section.

§3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 6, 2013 and approved by the Mayor on February 25, 2013

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 11 of 2013, Council Int. No. 399-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.