

ORDINANCE NO. 2016- 12

Amendment to Section 48-73 of City Ordinances

That Sec. 48-73 of the Code of Ordinances, City of Peshtigo, Wisconsin is hereby amended, in its entirety, to read as follows:

Sec. 48-73. Regulation of length of lawn and grasses.

- (a) *Purpose.* This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City.
- (b) *Public nuisance declared.* The Common Council finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under Chapter 52, Zoning, within the City which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or agricultural area.
- (c) *Nuisances prohibited.* No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) of this section to remain on any premises owned or controlled by him/her within the City.
- (d) *Inspection.* The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection (b) of this section exists.
- (e) *Abatement of nuisance.* In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:
 - (1) A written notice is required to inform said person that in the event of his/her failure to abate the nuisance within five (5) days, the City shall abate the same and the entire cost thereof shall be assessed to the property owner.
 - (2) Absent compliance within the prescribed time by the owner, occupant or person in charge of the subject premises, the City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the entire expense of abating the nuisance in addition to an Administrative Fee charge of \$50.00, to the owner of the subject premises. The charges shall be set forth by the Weed Commissioner or his

designee in a statement to the City Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the City Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.0517, Wis. Stats.

Second and Subsequent Violations. If one notice has been sent to the owner, occupant or person in charge of the subject premises as set forth in this subsection in any one calendar year, no further notices for additional violations on the same property are required in that calendar year and the City may proceed to abate the nuisance as set forth herein without notice.

Municipal Ordinance Citations, charges and costs.

- (1) In addition to the provisions set forth in this Section, violations of the provisions of this section may result in the issuance of a municipal citation, with such forfeiture assessed as determined by resolution of the common council. Each day the violation continues shall be considered a separate offense.
- (2) If an owner of property is found to be in violation of the requirements of this section on more than one occasion within a calendar year after inspection by the Weed Commissioner or designee, the owner, occupant, or person in charge of the subject premises shall be subject to an additional \$100.00 for each subsequent failure to comply with this section in the same calendar year.

Adopted this 2nd day of August, 2016.

OFFERED BY: Mary E. Lock
Aldersperson

SECONDED BY: Debbie Sievert
Aldersperson

APPROVED:
Catherine Malke
Catherine Malke, Mayor

I hereby certify that the foregoing ordinance was duly adopted by the City of Peshtigo at a legal meeting on this 2nd day of August, 2016.

Vicki L. Koronkiewicz
Vicki L. Koronkiewicz
City Clerk-Treasurer