

ORDINANCE NO. 06-2-13

**AN ORDINANCE REPEALING AND RECREATING SEC. 11-21(6),
NOXIOUS WEEDS, GRASS AND VEGETATION, CHAPTER 11,
ENVIRONMENT, ARTICLE II. PUBLIC NUISANCES OF THE
VILLAGE OF ASHWAUBENON MUNICIPAL CODE**

THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SEC. 11-21(6), NOXIOUS WEEDS, GRASS AND VEGETATION, CHAPTER 11, ENVIRONMENT, ARTICLE II. PUBLIC NUISANCES, OF THE VILLAGE OF ASHWAUBENON MUNICIPAL CODE BE REPEALING AND RECREATED TO READ AS FOLLOWS:

SECTION 1. Sec. 11-21. Public Nuisances Affecting Public Health.

(a) Purpose. It is the purpose of this Section to prohibit the uncontrolled growth of vegetation and to control noxious weeds, while permitting the planting and maintenance of planned natural landscaping that add diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interests to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities which can be economical, low maintenance and effective in soil and water conservation. The Village enacts this Section to balance these competing interests.

(b) Definitions.

Destroy means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.

Garden means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a well-defined location.

Native Plants means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to or naturalized to the state of Wisconsin. Native plants do not include weeds.

Noxious Weeds means any plant listed under §§ 23.235(1)(a) or 66.0407(1)(b), Wis. Stats., and shall also include arctium spp. (burdock), cirsium and carduus spp. (thistle), ambrosia spp. (ragweed), alliaria petiolata (garlic mustard), plantage lanceolate (buckhorn), and poison ivy.

Ornamental Grasses and Groundcovers means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds.

Planned Natural Landscaping means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care duties. Planned natural landscaping does not include gardens.

Rain Garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.

Turf Grasses means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.

(c) Control of Noxious Weeds.

(1) Any undeveloped parcel one acre or larger in size shall destroy noxious weeds and cut long grass and vegetation to six inches in height within the right of way and within 20 feet of any abutting developed property. The remaining property shall be maintained to a height of 12 inches or less.

(2) Any parcel with improvements upon it or a parcel less than one acre in size shall destroy noxious weeds and cut and maintain long grass and vegetation to a height of six inches or less.

(3) This section shall not apply to:

- a. Gardens,
- b. Plants located on agricultural land,
- c. Plants located on shoreland within 35 feet of the ordinary high-water mark,
- d. Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas, or
- e. Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained.

The cost of destroying the weeds shall be charged and assessed in the manner provided by § 66.0517(3)(b)1, Wis. Stats.

(d) Enforcement.

(1) Abatement. Any property owner in violation of this section shall be provided written notice by the Director of Public Works or his/her designee by mailing to the property owner or by posting written notice on the door of the property in violation. The written notice shall request compliance within forty-eight (48) hours of mailing or posting of the notice. If such violation is not corrected within forty-eight (48) hours, the Village will authorize and conduct action to bring the property into compliance and bill the property owner for such efforts under Wis. Stats. § 66.0627. If any property owner receives notice under this section on three separate occasions, no further notices will be required for further violations in the calendar year. The Village shall bring the property into compliance and bill the property for each violation thereafter.

(2) Citation. The Director of Public Works or his/her designee may issue a citation for violation of this section in an amount up to \$500.00.

State law reference— Special charges, Wis. Stats. § 66.0627.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this _____ day of _____, 2013.

Michael W. Aubinger, Village President

ATTEST:

Dawn A. Collins, Village Clerk

DATE OF PUBLICATION:
