

GENERAL ORDINANCE NO. 13-12

AN ORDINANCE
REPEALING AND RECREATING SECTION 8.11,
GREEN BAY MUNICIPAL CODE,
REGARDING NOXIOUS WEEDS AND
MAINTENANCE OF VEGETATION

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.11, Noxious Weeds and Other Unsightly Growth, Green Bay Municipal Code, is repealed and recreated as follows:

8.11 NOXIOUS WEEDS AND MAINTENANCE OF VEGETATION

(1) **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 City enacts this Section to balance these competing interests.

(2) **DEFINITIONS.**

(a) "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.

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

(c) "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.

(d) "Noxious Weeds" means any plant listed under §§ 23.235(1)(a) or 66.0407(1)(b), Wis. Stats., and shall also include ~~"Canada" or other thistles, chicorium itybus (commonly called "chicory"), ambrosia artemis laipolia (commonly called "ragweed"), lactuca scariola (commonly called "pricy lettuce"), hordeum jubatum (commonly called "squirrel tail"), lappa officinalis (commonly called "burdock"), white or ox-eyed daisies, snapdragon or toad flax, cockle-burr, sow thistle, sour dock and yellow dock, wild mustard, wild parsnip, quitch grass, known also as quack grass or leafy spurge, field bind weed (commonly called "creeping jenny"), cuscuta sp. (commonly called "dodder") brassica juncea (commonly called "Indian mustard"), plantage lanceolate (commonly called "buckhorn"), raphanus raphanistrum (commonly called "wild radish"), and barbarea vulgaris (commonly called "yellow rocket").~~ arctium spp. (burdock), cirsium and carduus spp. (thistle), ambrosia spp. (ragweed), alliaria petiolata (garlic mustard), plantage lanceolate (buckhorn), and poison ivy.

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

(f) "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.

(g) "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.

(h) "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.

(i) "Unmanaged Plant Growth" means any grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over 9" but does not include:

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

(3) CONTROL OF NOXIOUS WEEDS

(a) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands.

(b) If a person neglects to destroy all noxious weeds as required under par. (a), the Weed Commissioner shall destroy or have destroyed the noxious weeds. The cost of destroying the weeds shall be charged and assessed in the manner provided by § 66.0517(3)(b)1, Wis. Stats.

(4) UNMANAGED PLANT GROWTH

(a) A person owning, occupying, or controlling any residential lot or property adjacent to or adjoining a residential lot shall cut and remove any unmanaged plant growth on the land.

(b) If a person neglects to cut and/or remove unmanaged plant growth as required under par. (a), the Weed Commissioner shall cut down and remove or cause to be cut down and remove the unmanaged plant growth. The cost of cutting and removing the unmanaged plant growth shall be charged and assessed in the manner provided by § 66.0627(2), Wis. Stats.

(5) PLANNED NATURAL LANDSCAPING

(a) Any person wishing to maintain a planned natural landscaping area on their property shall may register their property with the Department of Public Works.

(b) Planned Natural Landscaping Guidelines:

1. Turf grass is to be eliminated and the native plants, trees and shrubs are to be planted through transplanting or seed by humans or mechanical means.

2. Setbacks:

a. ~~10~~ 3 feet from front lot line when adjacent to a public sidewalk and 0 feet from front lot line if there is no public sidewalk

b. ~~5~~ 3 feet from rear and side lot lines

c. No setback is required on side and rear ~~lots~~ lot lines if there is a ~~fully~~ ~~opaque~~ fence along the lot lines, or the native landscaping abuts a neighboring planned natural landscaping area public park/open space, or is adjacent to a natural area.

d. The setback area should be regularly cut turf grass, garden beds, trees, shrubs, mulch, wood chips or landscape stone.

e. Planned natural landscaping is to be cut to a maximum height of 9” once annually ~~between April 15th and~~ by July 15th.

(c) Complaint Notification. Any person who registers a parcel as natural landscaping with the Department of Public Works shall receive a notice that the Weed Commissioner intends to take action on the parcel under this section ~~five~~ (5) ten (10) business days before any action is taken. If the registered parcel owner objects within ~~five~~ (5) ten (10) business days after the notice was issued, the Improvement & Services Committee shall recommend whether the parcel is a planned natural landscaping exempt from §8.11(4) of this ordinance to the Common Council. The Common Council shall affirm or reverse the Improvement & Service Committee’s recommendation and issue a final decision.

(6) APPEAL. Any property owner wishing to contest a charge assessed under this section may appeal to the Improvement & Services Committee. The appeal shall be in writing and submitted to the City Clerk within 30 days of the date on which the unmanaged plant growth and/or noxious weeds were cut and/or destroyed. The Committee may uphold, modify or cancel the charge. This procedure for administrative review shall not be governed by Ch. 68, Wis. Stats.

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

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 10th day of April, 2012.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

First Reading - 3/20/12
Effective Date - 4/14/12