

Chapter 185

PROPERTY MAINTENANCE

ARTICLE I

Noxious Weeds Control and Lawn Maintenance

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[HISTORY: Adopted by the Town Board of the Town of Scott as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Noxious Weeds Control and Lawn Maintenance

[Adopted 7-8-2019 by Ord. No. 4-2019]

§ 185-1. Statutory authority.

This article is adopted pursuant to authority granted by §§ 66.0407 and 60.22(3), Wis. Stats.

§ 185-2. Purpose.

This article codifies the requirement for property owners to destroy noxious and invasive weeds upon their property in the Town of Scott and provides the Town enforcement authority to require such action.

§ 185-3. Statute adopted by reference.

Section 66.0407, Wis. Stats, as hereafter amended, is adopted by reference.

§ 185-4. Definitions.

- A. "Noxious weeds" defined. In addition to those weeds defined in § 66.0407, Wis. Stats., as amended, the Town specifically includes the following which are defined as noxious weeds: Canada thistle, leafy spurge, field bindweed (Creeping Jenny), purple loosestrife and wild parsnip. The term "noxious weeds" also includes any uncontrolled rank growth of vegetation and/or grass eight or more inches in height (unless part of an approved natural lawn management plan set forth in § 185-8 below). References and additional information can be found at the DNR, § 66.0407, Wis. Stats., and Ch. NR 40, Wis. Admin. Code.

- (1) <https://dnr.wi.gov/files/pdf/pubs/ss/ss1160.pdf>
 - (2) <https://dnr.wi.gov/topic/Invasives/classification.html>
- B. "Destruction and destroy" defined. "Destruction" means cutting or mowing rank growth of vegetation and/or grass eight or more inches in height. "Destroy," as to all other noxious weeds, means the complete killing of weeds or killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

§ 185-5. Nuisance findings.

The Town Board finds that noxious weeds adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfiting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Town, especially within densely populated areas (hamlets), and as such, constitute a nuisance.

§ 185-6. Notification.

The Town Board may annually, on or before May 15, publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation, as defined in § 185-4 above, on lands in which he owns, occupies or controls, including lands in the street right-of-way between the property line and the road pavement. If any violation of this article becomes known to any member of the Town Board, the Town Board shall immediately report such violation to the Town Clerk/Treasurer who shall cause a notice to be served on the owner, occupier, or controller of such land on which the violation is occurring that the Town intends to have the lot, grass or lawn cut and noxious weeds destroyed so as to conform with this article, with the cost being charged to the owner. The notice shall be served on or mailed to the owner, occupier or controller of the land. The notice shall give the owner, occupier, or controller of the land 10 days to correct the violation.

§ 185-7. Enforcement and abatement.

The Town Board or Town Chairman shall enforce this article. Noxious weeds, as defined in § 185-4A, constitute a nuisance and are prohibited. The Town Board shall take action to abate the nuisance. In any case where the owner, occupant or person in control of the property shall fail to correct any violation after the notice set forth in § 185-6 above has not corrected the violation and destroyed the noxious weeds, as required above then and in that event, the Town may cut said lawn, grass or weeds, or destroy such noxious weeds and charge the cost of abatement to the property owner. The charges for abatement shall be determined from time to time by the Town Board. If the cost of the abatement is not paid in full within 30 days thereafter, the Clerk/Treasurer shall enter the charges in the tax roll as a special charge against said lot or parcel of land and collected in accordance with §§ 66.0517 and 66.0627, Wis. Stats.

§ 185-8. Violations and penalties.

Any person owning, occupying, or controlling any land in the Town on which noxious weeds are found and who fails to destroy all noxious weeds as required herein after notice is sent by the Town shall be subject to penalties as provided for violations of this chapter in addition to the abatement and the charges therefor. If such noxious weeds are not destroyed after notice set forth in § 185-6 above, such owner, occupier, or controller of such land shall forfeit \$100. Each day that a violation exists is considered a separate violation. In addition, the court may impose on each person violating this article an assessment for court costs and fees, including reasonable attorney fees incurred by the Town in enforcement of this article.

§ 185-9. Natural lawn management plan.

- A. "Natural lawn," as used in this section, shall include common species of grass and wildflowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife. Natural lawns shall not constitute noxious weeds under this article if such natural lawns are permitted after review and approval of a natural lawn management plan by the Town.
- B. "Natural lawn management plan," as used in this section, shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of the lawn upon which the planted grass will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
- C. Any person owning, occupying, or controlling land in the Town who wishes to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Town. A "person owning, occupying, or controlling land," as used in this section, shall be defined to include the legal title holder and/or the beneficial owner or leasehold owner of any such land according to most-current Town records. Natural lawn management plans shall only indicate the planting and cultivating of natural lawns on property legally owned, occupied or controlled by the applicant. Natural lawns shall not be permitted on any right-of-way or within 10 feet of an abutting property owner's property unless waived, in writing, by the abutting property owner on the side so affected. Such waiver is to be affixed to the natural lawn management plan prior to submission to the Town.
- D. Any subsequent property owner who abuts an approved natural lawn may revoke the waiver, thereby requiring the natural lawn to be removed such that the natural lawn located more than 10 feet from the neighboring property owner's lot line. Such revocation shall be put in writing and presented to the Town Clerk/Treasurer by the abutting property owner. Upon receiving the written request to revoke the original waiver, the Town Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten-foot section abutting the neighboring property owner. The Town Board shall revise the approved natural lawn permit accordingly. The owner of the approved natural lawn shall be required to remove the ten-foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the Town.

§ 185-10. When effective.

This article becomes effective upon passage and publication.