

pollinate would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin.

- (1) Noxious weeds, as defined in this section and in § 185-3, shall include but not be limited to the following:

- Cirsium arvense (Canada thistle)
- Ambrosia artemisiifolia (common ragweed)
- Ambrosia trifida (great ragweed)
- Euphorbia esula (leafy spurge)
- Lysimachia nummularia (creeping jenny)
- Convolvulus arvensis (field bindweed)
- Tragopogon dubius (goat's beard)
- Rhus radicans (poison ivy)
- Cirsium vulgare (bull thistle)
- Pastinaca sativa (wild parsnip)
- Arctium minus (burdock)
- Xanthium strumarium (cocklebur)
- Amaranthus retroflexus (pigweed)
- Chenopodium album (common lambsquarters)
- Rumex crispus (curled dock)
- Cannabis sativa (hemp)
- Plantago lanceolata (English plantain)

- (2) Noxious grasses, as defined in this section and in § 185-3, shall include but not be limited to the following:

- Agrostis alba (redtop)
- Dactylis glomerata (orchard)
- Phleum pratense (timothy)
- Poa pratensis (Kentucky blue)
- Sorghum halepense (Johnson)
- Setaria (foxtail)

§ 185-2. Regulation of natural lawns.

- A. Natural lawns defined. "Natural lawn" as used in this section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in § 185-1 of this chapter. The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits, unless a natural lawn management plan is approved and a permit is issued by the Village as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

B. Natural lawn management plan defined.

- (1) "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 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.
- (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural lawn management plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property, including street rights-of-way. This shall include, at a minimum, property located between the sidewalk and the street or a strip not less than 10 feet adjacent to the street where there is no sidewalk, whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within 10 feet of the abutting property owner's property unless waived, in writing, by the abutting property owner on the side so affected, such waiver to be affixed to the lawn management plan.
- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver, thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village 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 Village 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 Village, provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 2 and April 30 shall be required to remove the ten-foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

C. Application process.

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a nonrefundable filing fee as set forth in the General Fee Schedule, on file in the Village offices, will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the office of

the Village Assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If, within 15 calendar days of mailing the copies of the complete application to the neighboring property owners, the Village receives written objections from 51% or more of the neighboring property owners, the Village Clerk-Treasurer shall immediately deny the application. "Neighboring property owners" shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51% of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn.
- D. Application for appeal. The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Street Committee at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the Street Committee shall be final and binding.
- E. Safety precautions for natural grass areas.
- (1) When, in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three days upon receiving written direction from the Fire Chief.
 - (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the lawn management plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure public safety. Burning of natural lawns shall be strictly prohibited, unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawn, thereby ensuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be \$300,000.
- F. Revocation of an approved natural lawn permit. The Clerk, upon the recommendation of the Director of Public Works, shall have the authority to revoke an approved natural lawn permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved natural lawn permit or any requirements set forth in this section. Notice of intent to revoke an approved natural lawn permit shall be appealable to the Street Committee. All applications for appeal shall be submitted within 15 calendar days of receipt of the written notice of intent to revoke the approved natural lawn management plan. Failure to file an application for appeal within the 15 calendar days shall result in the revoking of the natural lawn permit. All written

applications for appeal filed within the fifteen-calendar-day requirement shall be reviewed by the Street Committee in an open meeting. The Street Committee shall make a recommendation to the Village Board. The decision rendered by the Village Board shall be final and binding.

G. Public nuisance defined; abatement after notice.

- (1) The growth of a natural lawn as defined in this section shall be considered a public nuisance, unless a natural lawn management plan has been filed and approved, and a permit is issued by the Village as set forth in this section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within 10 days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State Statute.
- (3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this section.

H. Penalty.

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in § 1-4, General penalty, of this Code.
- (2) In addition to any penalties herein provided, the Village may issue stop-work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

§ 185-3. Regulation of length of lawn and grasses. [Amended 6-14-2010]

- 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 Village.
- B. Public nuisance declared. The Village Board finds that lawns, grasses and noxious weeds which exceed five inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting 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 Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight 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 where the lawn, grass or weed is part of a natural lawn approved pursuant to § 185-2 above. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- C. Nuisance prohibited. No person, firm or corporation shall permit any public nuisance as defined in Subsection B above to remain on any premises owned or controlled by him within the Village.
- D. Inspection. The Director of Public Works or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection B above exists.
- E. Abatement of nuisance.
 - (1) If the owner, occupant or person in charge of a property shall neglect to maintain any lawns, grasses or weeds as required by Subsection C above, the Director of Public Works of the Village shall give five days' written notice by certified mail to the owner, occupant or person in charge of any lands upon which the lawns, grasses and noxious weeds shall be growing to the effect that the said Director of Public Works, after the expiration of five days' period, will proceed to destroy or cause to be destroyed all such lawns, grasses and noxious weeds growing upon said lands and shall charge the expense of so doing, including the cost of billing and other necessary administrative expenses, at a rate established by the Village Board. The charges shall be set forth in a statement to the Village Clerk-Treasurer 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 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 as provided under § 66.0627, Wis. Stats.
 - (2) The owner, occupant or person in charge of a property found to be in violation of this section will receive one written notice per growing season. If a lot or parcel of land in violation of this section subsequently falls into further violation(s) after the initial written notice provided in Subsection E(1) above is mailed, the owner, occupant or person in charge will not be notified in writing. Instead, the Director of Public Works will destroy or cause to be destroyed all such lawns, grasses or weeds growing upon said lands and the charges, as outlined above, will be billed to the owner, occupant or person in charge.
 - (3) The cost for removal of lawns, grasses and noxious weeds under this section shall be as set forth in the General Fee Schedule, on file in the Village offices. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]