

VILLAGE OF SHOREWOOD HILLS
Draft Public Health & Safety Committee Minutes

Tuesday, October 25, 2022

1. Chair Carol Barford called the meeting to order at 7:05 pm.
2. Roll call: Committee members present were Ms. Barford, Bill Muehl, Jeremy Tunis, Dietmar Bassuner, and Jim Rogers. Cara Silverman joined the meeting at 7:16 pm. Nadeem Afghan joined the meeting at 7:29 pm. Also present was Administrator Sharon Eveland, Administrative Services Manager David Sykes and resident Mark Staff.
3. Note compliance with open meeting law: Ms. Eveland confirmed that the meeting was properly posted.
4. Approve previous meeting minutes: Mr. Rogers moved and Mr. Bassuner seconded a motion to approve the July 26, 2022 minutes with a minor addition to the discussion regarding a public video surveillance policy following the best practices document.
Vote: 5-0 (approved).
5. Update on possible camera policy development
Ms. Barford discussed the policy development with Police Chief Pharo. It is not a top priority for the police department in the near term. Chief Pharo does not have the time to devote to the policy right now due to staffing and equipment needs. The draft policy, as it is right now, would be in conflict with existing police department policies, so it does need some revision.
Mr. Tunis indicated he understands the current circumstances for the police department but does not want the Committee to delay a policy until next summer and find the Village in the same situation related to cameras.
Ms. Barford reported Chief Pharo is supportive of the policy and expects to be able to provide a bullet pointed review in the near future.
6. Discussion on Property Maintenance Ordinance
Ms. Barford presented the existing property maintenance ordinances from Maple Bluff, Fitchburg, Verona and Middleton. She also provided the Wis. Stats. §66.0413 under the Nuisance ordinance. There is not much in the Wisconsin statutes but a key phrase is included in many of the existing ordinances presented: *“If old, dilapidated or out of repair, and consequently unsafe, the building can be made to be repaired or raised...”*
Mr. Rogers suggested the Committee concentrate on safety and public health at a minimum.
Mr. Bassuner felt the goal is to correct the out of repair condition and how the Village will manage these types of situations.
Mr. Rogers suggested a motion that the City of Middleton code Chapter 23 – Minimum housing and property maintenance code be used as a draft basis for creating a Village of

Shorewood Hills code with a focus *primarily* on dealing with properties that are dangerous to the public health and safety and out of code.

Ms. Barford and Ms. Eveland will look more closely at the Middleton ordinance to select appropriate language, have the Village attorney provide input, and present a draft ordinance for review at a future Committee meeting.

7. Future Agenda Items – These items are not intended to be discussed. They are a running list of projects/issues that the committee will take up in the future. Committee members may request that an item be added to the agenda or to this list during the meeting but will be no discussion of those items.
 - a. Camera System at McKenna Boathouse
 - b. How can this committee support the police department with staffing or in other ways?
 - c. What tools can be provided to the police department if they are not able to hire an additional officer?
 - d. Review of calls for service by police, fire and EMS.
8. Next Meeting Date: December 27, 2022 at 7:00 pm (regular November meeting cancelled).
9. Adjourn: Motion by Mr. Tunis, seconded by Mr. Rogers to adjourn the meeting at 8:26 pm.
Vote: 7-0 (approved).

Respectfully submitted,

David Sykes
Administrative Services Manager

Notes about grass "nuisance" codes.

The files in the packet can be found at the following url's:

Cross Plains (Sections 24.07 and 24.08)

<<https://www.cross-plains.wi.us/DocumentCenter/View/103/Chapter-24-Property-Maintenance-PDF>>

Oregon (Section 10.03(6))

<[https://www.vil.oregon.wi.us/vertical/sites/%7B3631401E-89E6-4B18-B72B-25DC241CC205%7D/uploads/Village of Oregon Municipal Code - 12.19.2022 CMJ.pdf](https://www.vil.oregon.wi.us/vertical/sites/%7B3631401E-89E6-4B18-B72B-25DC241CC205%7D/uploads/Village%20of%20Oregon%20Municipal%20Code%20-%2012.19.2022%20CMJ.pdf)>

Verona (Sections 8-1-5 and 8-1-6)

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For further comparison, Monona Section 312-4(F) and Middleton Section 17.2 simply prohibit "rank growth of vegetation." Waunakee doesn't address grass or lawns at all.

CHAPTER 24

PROPERTY MAINTENANCE

- 24.01 Findings and Declaration of Policy**
- 24.02 Purpose**
- 24.03 Definitions**
- 24.04 Applicability**
- 24.05 Exterior of Premises**
- 24.06 Abandoned Buildings**
- 24.07 Natural Lawns**
- 24.08 Limitation on Height of Lawn and Grasses**
- 24.09 Removal of Snow and Ice**
- 24.10 Enforcement and Penalties**

CHAPTER 24

PROPERTY MAINTENANCE

SECTION 24.01 Findings and Declaration of Policy.

The Village Board does hereby find and declare that:

- (a) There exist in the Village premises used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structures, equipment or maintenance.
- (b) Such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of the premises and appurtenant lawns, infestation and existence of fire hazards, constitute a threat to the health, safety, general welfare and reasonable comfort of the citizens of the Village.
- (c) By reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions, and if these conditions are not curtailed and removed they will grow and spread and will necessitate the expenditure of large amounts of public funds to correct and eliminate.
- (d) As the result of the regulations and restrictions contained in this chapter, the desirability and amenities of residential and nonresidential uses may be enhanced and the public health, safety and general welfare be protected and fostered.

SECTION 24.02 Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises; to fix certain responsibilities and duties upon owners and operators and occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; and to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use.

SECTION 24.03 Definitions.

The following words and terms, wherever used in this chapter, shall be defined as follows unless a different meaning clearly appears from the context:

- (a) **Abandoned Building.** A building that has been vacant of human habitation for more than 6 months and is not listed for sale or rent to the general public, and which appears to be dilapidated, unsanitary, in need of repair or otherwise unfit for human habitation.

- (b) **Deterioration.** The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.
- (c) **Exposed to Public View.** Any premises or building or part thereof which may be viewed by the public.
- (d) **Exterior of the Premises.** The open space on the premises outside of any building thereon.
- (e) **Extermination.** The control and elimination of insects, rodents, vermin and other pests.
- (f) **Infestation.** The presence of insects, rodents, vermin or other pests on the premises that constitute a health hazard.
- (g) **Lawn.** Land covered with cool season grasses maintained at a low height.
- (h) **Noxious Weeds.** Canada thistle, leafy spurge, field bindweed (creeping jenny), purple loosestrife, multiflora rose, burdock, common ragweed, great ragweed, garlic mustard, goat's beard, poison ivy, wild parsnip, cocklebur, pigweed, common lambsquarter, curled dock, hemp, and English plantain.
- (i) **Premises.** A lot or parcel of land including the buildings and structures thereon and its appurtenant lawn, if any.
- (j) **Property Owner.** Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof.
- (k) **Public Nuisance.** A thing, act, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, safety and general welfare of the public;
 - (2) In any way render the public insecure in life or the use of property; or
 - (3) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley or other public way or the use of public property.
- (l) **Waste.** Includes but not limited to garbage, litter, refuse, trash, rubbish, junk and debris.

SECTION 24.04 Applicability.

Every residential, nonresidential or mixed-occupancy building and the land on which it is located, used, or intended to be used for residential, commercial, agricultural or industrial occupancy shall be subject to the provisions of this chapter whether or not such building or premises shall have been constructed, altered, repaired, installed or planted before or after the effective date of this chapter.

SECTION 24.05 Exterior of Premises.

- (a) **Maintenance of Exterior of Premises.** The exterior of the premises and all structures thereon shall be kept free of unsanitary conditions and any hazards to

the safety of the occupants, invitees, pedestrians and other persons utilizing or coming on the premises. The exterior of every structure on a premises, including fences or enclosures, shall be maintained in good repair, free of broken glass, loose shingles, crumbling stone or brick, excessively peeling paint, loose boards or other conditions indicative of deterioration or inadequate maintenance, all to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blight. Any of the foregoing conditions are found to be public nuisances and shall be promptly removed and abated by the property owner. Such public nuisances include, but are not limited to, the following:

- (1) Waste.
 - (2) Dead and dying trees and limbs or other natural growth which by reason of rotting, deteriorating conditions or storm damage constitutes a hazard to persons in the vicinity.
 - (3) Sources of infestation.
 - (4) Lack of maintenance to the exterior of the premises, including open space, and the exterior of all structures thereon such that the appearance of the premises and structures or waste or other property thereon contributes to blight.
- (b) **Nuisances Prohibited.** No person, firm, corporation, company or organization shall permit any public nuisance as defined in Subsection (a) above to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- (c) **Inspection.** The Village Building Inspector may inspect any premises and place within the Village to determine whether any public nuisance exists.
- (d) **Abatement of Nuisance.** If the Village Building Inspector determines that any public nuisance exists, such inspection shall be immediately reported to the Village Board, which may cause notice to be served personally or by certified mail, return receipt requested (and a copy by regular mail), on the property owner that the Village Board proposes to order the abatement of the public nuisance.
- (e) **Hearing.** If the property owner believes that no public nuisance exists, such person may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Administrator/Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the owner's request. At the hearing, the owner may appear in person or by an attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its decision in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the nuisance abated. The order shall specify the time by which the nuisance shall be abated which shall not be less than 48 hours from delivery of said order either personally or by certified mail, return receipt requested.

SECTION 24.06 Abandoned Buildings

- (a) **Findings.** If the Village Building Inspector, or his designee determines that a building is abandoned as defined in this chapter, and the building may have unsanitary conditions or pose hazards to the safety of future occupants, invitees, pedestrians and other persons that may enter the building, the Building Inspector may find that a public nuisance exists. Any of the foregoing conditions are found to be public nuisances and shall be promptly removed and abated by the property owner. Such public nuisances include, but are not limited to, the following:
 - (1) Waste within the building.
 - (2) Sources of infestation.
 - (3) Conditions within the building that make the building unsafe, unsanitary, unfit for human habitation, occupancy or use, or which make the building in danger of structural collapse
- (b) **Nuisances Prohibited.** No person, firm, corporation, company or organization shall permit any public nuisance as defined in Subsection (a) above to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- (c) **Inspection.** The Village Building Inspector may inspect any premises and place within the Village to determine whether any public nuisance exists. .If the Building Inspector needs access to the building and the owner of the building does not consent to an inspection, the Building Inspector may apply for a special inspection warrant pursuant to section 66.0119 of the Wisconsin Statutes
- (d) **Abatement of Nuisance.** If the Village Building Inspector determines that any public nuisance exists, such inspection shall be immediately reported to the Village Board, which may cause notice to be served personally or by certified mail, return receipt requested (and a copy by regular mail), on the property owner that the Village Board proposes to order the abatement of the public nuisance.
- (e) **Hearing.** If the property owner believes that no public nuisance exists, such person may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Administrator/Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the owner's request. At the hearing, the owner may appear in person or by an attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its decision in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the nuisance abated. The order shall specify the time by which the nuisance shall be abated which shall not be less than 48 hours from delivery of said order either personally or by certified mail, return receipt requested.

SECTION 24.07 Natural Lawns.

- (a) **Definition.** “Natural lawn” shall include common species of grass and wildflowers native to North America which are designed and purposely cultivated to exceed six inches in height from the ground surface and which cover a cumulative area greater than 600 square feet. Specifically excluded in natural lawns are noxious weeds. The growth of a natural lawn in excess of six inches in height from the ground surface is prohibited unless a natural lawn permit is issued by the Village as set forth in this section. Natural lawns shall not contain waste and shall not harbor undesirable wildlife.
- (b) **Application Process.**
- (1) “Natural lawn management plan” as used in this section shall mean a written plan relating to the management and maintenance of a lawn upon which the planted grass and wildflowers may exceed six inches in height, a statement of intent and purpose for the lawn, a detailed description of the vegetation types, plans and plant succession involved, and the specific management and maintenance techniques to be employed.
 - (2) Natural lawn management plans shall be limited to the planting and cultivating of natural lawns on property owned by the applicant. Unless approved by the Village, applicants are prohibited from developing a natural lawn on any Village-owned property, including street right-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, a natural lawn shall not be permitted within 10 feet of abutting property unless waived in writing by the abutting property owner on the side so affected. Such waiver shall be affixed to the lawn management plan.
 - (3) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Administrator/Clerk-Treasurer. The completed application shall include a natural lawn management plan. Copies of the completed application shall be mailed by the applicant to each of the owners of record, as shown on the tax rolls of the Village who are owners of the property situated wholly or in part within 200 feet of the boundaries of the property for which the application is made. The applicant shall provide a statement to the Village that such notice has been given. The neighboring property owners shall have 15 business days to provide written comments to the Village Administrator/Clerk-Treasurer, and in the instance where 51% of the neighboring landowners object to establishing a natural lawn, the application shall be denied.
 - (4) The application of the property owner shall be reviewed by the Director of Public Facilities, and if the application is in full compliance with the natural lawn management plan requirements, the Village Administrator/Clerk-

Treasurer shall issue permission to install a natural lawn. Denial of the application or granting permission shall be by notice in writing to the property owner delivered personally or by certified mail, return receipt requested.

- (c) **Hearing.** Appeals from the grant or denial of a natural lawn application shall be to the Village Board. The request for appeal must be made in writing to the Village Administrator/Clerk-Treasurer within 20 days of the date of delivery of the notice of the grant or denial of the application. When a hearing is requested, a hearing by the Village Board shall be held not less than five days from the date of the property owner's request. At the hearing, interested parties may appear in person or by attorney, may present witnesses and may cross-examine witnesses. At the close of the hearing, the Village Board shall make a final and binding decision.
- (d) **Safety Precautions for Natural Grass Areas.** When, in the opinion of the Director of Public Facilities, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions, the Director of Public Facilities may order the cutting of the natural lawn to a safe condition. As a condition of receiving the original natural lawn permit, the property owner shall be required to cut the natural lawn within three days of receiving written direction from the Director of Public Facilities. Natural lawns shall not be removed through the process of burning without a burn permit from the Village.
- (e) **Revocation of an Approved Natural Lawn Management Plan Permit.** The Village Administrator/Clerk-Treasurer, upon the recommendation of the Director of Public Facilities, shall have the authority to revoke an approved natural lawn management plan permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved natural lawn management plan permit or any requirements set forth in this section. Notice of intent to revoke an approved natural lawn management plan shall be by notice in writing to the property owner delivered personally or by certified mail, return receipt requested. Delivery shall be complete upon mailing. A property owner receiving a notice of intent to revoke an approved natural lawn management plan permit may request a hearing before the Village Board.
- (f) **Hearing.** A request for a hearing shall be made in writing to the Village Administrator/Clerk-Treasurer's office within 20 days of the date of delivery of the notice of intent to revoke the approved natural lawn management plan from the Village. Failure to file an application for appeal within 20 calendar days shall result in the revocation of the natural lawn management plan permit. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the property owner's request. At the hearing, the property owner may appear in person or by attorney, may present witnesses and may cross-examine witnesses. At the close of the hearing, the Village Board shall make a final and binding decision.

(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 issued, and not subsequently revoked, by the Village as set forth in this section. Violators shall be served with a notice of public nuisance by personal delivery or certified mail, return receipt requested.
- (2) If the person so served with a notice of public nuisance does not abate the nuisance within 10 days, the Director of Public Facilities may proceed to abate such nuisance, keeping an account of the expenses of the abatement. Such expense shall be charged to and paid by the property owner. Notice of the charge 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. If such charge is not paid within 60 days of the date of mailing of notice to the property owner, the Village Administrator/Clerk-Treasurer shall enter those charges onto the tax roll as a special tax.

SECTION 24.08 Limitation on Height 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 Village.
- (b) **Public Nuisance Defined.** Any lawn, noxious weed or grass which exceeds six inches in height is hereby declared to be a public nuisance, except for property located in a wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 24.07.
- (c) **Nuisances Prohibited.** No person, firm, corporation, company or organization shall permit any public nuisance to remain on any premises owned, controlled or occupied by such person, firm, corporation, company or organization within the Village.
- (d) **Inspection.** The Village may cause to be inspected all premises within the Village to determine whether any public nuisance exists.
- (e) **Abatement of Nuisance.** If an inspection shall determine with reasonable certainty that any public nuisance exists, such inspection shall be immediately reported to the Village Administrator/Clerk-Treasurer who shall, if he or she determines that such nuisance exists, cause notice to be served personally or by certified mail, return receipt requested (with a copy by regular mail), on the property owner that the Village proposes to have the grass or lawn cut so as to conform to this section. The written notice shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village may abate the same and the cost thereof shall be assessed to the property owner.
- (f) **Hearing.** If the property owner believes that the grasses or weeds are not a nuisance, the property owner may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village

Administrator/Clerk-Treasurer's office within 10 days of the date of delivery of the notice from the Village. When a hearing is requested by the property owner, a hearing by the Village Board shall be held not less than five days from the date of the property owner's request. At the hearing, the property owner may appear in person or by his attorney, may present witnesses and may cross-examine witnesses presented by the Village. At the close of the hearing, the Village Board shall make its determination in writing. If the Village Board determines that a public nuisance does exist, the Village Board shall order the property to be mowed within 48 hours of the Village Board's decision. If the owner does not abate the nuisance within the described 48 hours, the Village may cause the nuisance to be abated and the cost assessed as a special tax.

- (g) **Village's option to abate nuisance.** In any case where the property owner fails to cut the lawn, grass or weeds as set forth in the order of the Village, then and in that event the Village may elect to cut said lawn, grass and weeds. If the Village shall cut or cause to be cut all grass and weeds from the subject property, the expenses of so doing shall be charged at a rate established by resolution of the Village Board. The charges shall be set forth in a statement and shall be either delivered personally or mailed to the property owner by certified mail, return receipt requested (with a copy by regular mail). If the statement is not paid within 60 days thereafter, the Village Administrator/Clerk-Treasurer shall enter the charge in the tax roll as a special charge against the lot or parcel of land.

SECTION 24.09 Removal of Snow and Ice.

- (a) **Removal From Sidewalks.** The owner or occupant of any parcel or lot which fronts upon or abuts any sidewalk shall keep the sidewalk clear of all snow and ice. In the event of snow and/or ice accumulating on a sidewalk due to natural means and/or by any other means, the sidewalk shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow and/or ice ceases to accumulate on the sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width at all times. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with sand and/or salt to permit safe travel by pedestrians.
- (b) **Notice and Removal of Snow From Sidewalks.** If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk fails or refuses to keep his/her sidewalk clear of snow and ice as set forth in Subsection (a), a Village official may, if the Village official determines that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, cause the issuance of a written notice to the owner and occupant of any parcel or lot directing that the snow and ice be removed within two (2) hours from the delivery of the notice. Notice may be by personal delivery

or posting on the front door of the main structure. In the event the owner or occupant of the parcel or lot is unavailable to receive a written notice, the Village official shall immediately cause the removal of the snow and/or ice.

- (c) **Snow and Ice Not to Encroach.** No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use, except for parcels or lots located where existing buildings abut public sidewalk and public sidewalk abuts the rear of curb. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from the sidewalks onto the public street within five feet of the front of the curb.
- (d) **Enforcement.** All Village officials are hereby authorized and directed to enforce the provisions of this Section.
- (e) **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.
- (f) **Abatement after Notice.** Failure of the owner or occupant of any parcel or lot to cause the removal of snow and/or ice within the time established under Subsections (a) or (b) after receiving a written notice shall result in the Village causing the removal of said snow and/or ice.
- (g) **Expense.** An account of the expenses incurred by the Village to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within sixty (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 Sec. 66.0907, Wis. Stats.
- (h) **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 24.10 of this Code of Ordinances.

SECTION 24.10 Enforcement and Penalties.

- (a) **Enforcement.** In addition to any remedies specified in this chapter, the Village may institute any appropriate action or proceeding to enjoin any violation of this chapter.
- (b) **Penalties.** Any person who does not abate a public nuisance under this chapter within the time specified shall, in addition to all other remedies available to the Village, be subject to a forfeiture of not less than \$10.00 nor more than \$400.00. Each day a violation continues shall constitute a separate offense.

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PUBLIC NUISANCES

- 10.01** Public Nuisances Prohibited
- 10.02** Public Nuisances Defined
- 10.03** Public Nuisances Affecting Health
- 10.04** Public Nuisances Offending Morals & Decency
- 10.05** Public Nuisances Affecting Peace & Safety
- 10.06** Dutch Elm Disease
- 10.07** Abatement of Public Nuisances
- 10.08** Cost of Abatement
- 10.09** Vacant
- 10.10** Vacant
- 10.11** Vacant
- 10.12** Vacant
- 10.13** Vacant
- 10.14** Vacant
- 10.15** Penalty

10.01 Public Nuisances Prohibited

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village.

10.02 Public Nuisances Defined

A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
2. In any way render the public insecure in life or in the use of property;
3. Greatly offend the public morals or decency;
4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 10.02:

1. Adulterated Food
All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
2. Unburied Carcasses
Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
3. Breeding Places for Vermin, etc.
Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
4. Stagnant Water
All stagnant water in which mosquitoes, flies or other insects can multiply.
5. Privy Vaults & Garbage Cans
Privy vaults and garbage cans which are not fly-tight.
6. Noxious Weeds
 - a) Weeds and Grasses
All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed one (1) foot. The Village may cause all weeds and grass not conforming to be cut and removed and brush to be removed and the cost thereof charged to the property under §66.6(16), Wis. Stats.
 - b) Seed-Bearing Box Elders
The tree commonly called the Seed-Bearing Box Elder or Acer Negundo. Any person having such a tree on his premises shall cause the same to be destroyed. The Superintendent of Streets may destroy any such tree found within the Village limits, and the cost thereof may be assessed to the property owner thereof.
7. Water Pollution
The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
8. Noxious Odors, Etc.
Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
9. Street Pollution
Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village. Street pollution includes the deposit of mud or soil erosion, including that caused by or resulting from construction adjacent to the public highways, including the deposit of such materials by

vehicles, and equipment. Any person who causes such pollution shall clean it up, and may be subject to a special charge levied under Wis. Stats. 66.00(16), if such work is done at the direction of the Village.

10. Air Pollution

The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village or within one mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Village.

10.04 Public Nuisances Offending Morals & Decency

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency; but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of 10.02.

1. Disorderly Houses

All disorderly houses, bawdy houses, houses of ill-fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

2. Gambling Devices

All gambling devices and slot machines.

3. Unlicensed Sale of Liquor & Beer

All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.

4. Continuous Violation of Village Ordinances

Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

5. Illegal Drinking

Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or Village ordinances.

10.05 Public Nuisances Affecting Peace & Safety

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety within the definition of 10.02:

1. Signs, Billboards, Etc.

All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.

2. Illegal Buildings

All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.

3. Unauthorized Traffic Signs

All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices, railroad signs or signals or which because of their color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.

4. Obstruction of Intersections

All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

5. Tree Limbs

All limbs of trees which project over and less than 10 feet above any public sidewalk, street or other public place.

6. Dangerous Trees
All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
7. Fireworks
All use or display of fireworks except as permitted by §167.20, Wis. Stats., and 9.05 of this Municipal Code.
8. Dilapidated Buildings
All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
9. Wires & Cables Over Streets
All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
10. Noisy Animals or Fowl (Am. Ord. #18-04, 05-07-2018)
The keeping or harboring of any animal or fowl in violation of section 12.04 (5) (c) of this Code.
11. Obstruction of Streets; Excavations
All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit.
12. Unlawful Assemblies
Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
13. Outdoor Solid Fuel Fire Heating Device or Solid Fuel Unit (Cr. Ord. #07-04, 06-04-2007)
All outdoor solid fuel fire heating devices or solid fuel units. An "outdoor solid fuel fire heating device or solid fuel unit" is defined as "an outdoor device or structure designed for solid fuel combustion for the purpose of providing indoor heat to a residence or other building, including, but not limited to, solid fuel fired stoves and combination fuel furnaces or boilers which burn solid fuel (such as wood or coal)." A solid fuel fire heating device or solid fuel unit is considered outdoor if it is not located inside a one- or two-family dwelling unit, a multi-family dwelling unit, or public building, thereby making the solid fuel fire heating device or solid fuel unit subject to the Wisconsin Uniform Dwelling Code or the Wisconsin Commercial Building Code.

10.06 Dutch Elm Disease

1. Public Nuisance Declared
Whereas ' the Village Board has determined that the health of the elm trees within the Village is threatened by a fatal disease known as Dutch elm disease and that the loss of elm trees growing upon public and private premises would substantially depreciate the market value of property within the Village and impair the safety, welfare and convenience of the public, the Board hereby declares its intention to control and prevent the spread of such disease. The following are hereby declared to be public nuisances wherever they may be found within the Village:
 - a) (Am. Ord. #07-02, 02/19/07) The entire cost of abating any public nuisance as defined in sub (1) or of spraying any elm tree in accordance with sub. (5) shall be charged to and assessed against the parcel or lot abutting the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Wis. Stat. §§ 66.0627 or 27.09. The cost of abating any such nuisance or spraying any elm tree or part thereof which is located in or upon any park on public grounds shall be borne by the Village. Notwithstanding the preceding sentences, the Village shall remove or pay the cost of removing any tree located in the tree terrace (as defined in section 8.08 of the Municipal Code) that is infected with Dutch elm disease.
 - b) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

2. Nuisances Prohibited

No person, firm or corporation shall permit any public nuisance as defined in (1) to remain on any premises owned or controlled by him within the Village.
3. Village Forester

The office of Village Forester is hereby created. The Village Forester shall be appointed by the Village President subject to confirmation by the Village Board. The powers and duties of the Village Forester as set forth in this chapter are conferred upon and combined with the office of Director of Public Works.
4. Inspection
 - a) The Village Forester shall inspect or cause to be inspected all premises and places within the Village at least twice each year to determine whether any public nuisance as defined in (1) exists thereon and shall also inspect or cause to be inspected any elm tree reported or suspected to be infected with the Dutch elm disease fungus or any elm bark-bearing material reported or suspected to be infested with the elm bark beetle.
5. Abatement of Dutch Elm Disease Nuisances
 - a) Whenever the Village Forester finds with reasonable certainty examination or inspection that any public nuisance as defined in this section exists within the Village, they shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry such disease.
 - b) Before abating any nuisance on private premises or in any terrace strip between the lot line and the curb, the Forester shall proceed as follows:
 - 1) If the Forester determines that danger to other elm trees from such nuisance is not imminent because of elm dormancy, they shall make a written report of his findings to the Village Board, who shall proceed as provided in §27 .09(4), Wis. Stats.
 - 2) If the Forester determines that danger to other elm trees within the Village is imminent, they shall notify the owner or abutting owner of the property on which such nuisance is found in writing, if they can be found, otherwise by publication in a newspaper of general circulation in the Village that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than ten (10) days from the date of such notice unless the Forester finds that immediate action is necessary to prevent spread of infection. If the owner fails to comply with the notice within the time limit, the Forester shall cause the abatement thereof.
 - c) No damage shall be awarded to the owner for destruction of any elm tree, elm wood or elm material or any part thereof pursuant to this section.
6. Spraying of Elm Trees
 - a) Whenever the Forester determines that any elm tree or elm material within or near the Village is infected with Dutch elm disease fungus, they may cause to be sprayed all high value elm trees within a 1,000 foot radius thereof with an effective elm bark beetle destroying concentrate; provided such spraying shall be performed prior to July 15 or after October 15 of any year.
 - b) Before causing the spraying of any elm tree on private property in accordance with par. (a), the Forester shall notify the owner as provided in sub. (5)(b).
7. Assessment of Costs of Abatement & Spraying
 - a) The entire cost of abating any public nuisance as defined in sub (1) or of spraying any elm tree in accordance with sub. (5) shall be charged to and assessed against the parcel or lot abutting the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Wis. Stat. §§ 66.0627 or 27.09. The cost of abating any such nuisance or spraying any elm tree or part thereof which is located in or upon any park on public grounds shall be borne by the Village. Notwithstanding the preceding sentences, the Village shall remove or pay the cost of removing any tree located in the tree terrace (as defined in section 8.08 of the Municipal Code) that is infected with Dutch elm disease.
 - b) The Village Forester shall keep strict account of the costs of work done under this section and shall report monthly to the Village Clerk all work done for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of

land and the amounts chargeable to each. The Clerk shall include in his report to the Village Board the aggregate amounts chargeable to each lot or parcel so reported; and such amounts shall be levied and assessed against such parcels or lots in the same manner as other special taxes.

8. Transporting of Elm Wood Prohibited

No person shall transport within the Village any bark bearing elm wood or material without first securing written permission of the Village Forester.

9. Interference with Village Forester Prohibited

No person shall prevent, delay or interfere with the Village Forester or any of his agents or Village employees while they are engaged in the performance of duties imposed by this section.

10. Penalty

Any person, firm or corporation which shall violate any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$100, together with the costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 60 days.

10.07 Abatement of Public Nuisances

1. Enforcement

The Chief of Police, the Chief of the Fire Department, the Building Inspector and the Personnel, Public Safety and Protection Committee shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied themselves that a nuisance does in fact exist.

2. Summary Abatement

If the inspecting officer determines that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case maybe.

3. Abatement After Notice

If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisances to be removed as provided in sub. (2).

4. Other Methods Not Excluded

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

5. Court Order

Except when necessary under sub. (2), no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

10.08 Cost of Abatement

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

10.09 Vacant

10.10 Vacant

10.11 Vacant

10.12 Vacant

10.13 Vacant

10.14 Vacant

10.15 Penalty

Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in §25.04 of this Municipal Code.

Notes about grass "nuisance" codes.

The files in the packet can be found at the following url's:

Cross Plains (Sections 24.07 and 24.08)

<<https://www.cross-plains.wi.us/DocumentCenter/View/103/Chapter-24-Property-Maintenance-PDF>>

Oregon (Section 10.03(6))

<[https://www.vil.oregon.wi.us/vertical/sites/%7B3631401E-89E6-4B18-B72B-25DC241CC205%7D/uploads/Village of Oregon Municipal Code - 12.19.2022 CMJ.pdf](https://www.vil.oregon.wi.us/vertical/sites/%7B3631401E-89E6-4B18-B72B-25DC241CC205%7D/uploads/Village_of_Oregon_Municipal_Code_-_12.19.2022_CMJ.pdf)>

Verona (Sections 8-1-5 and 8-1-6)

<https://library.municode.com/wi/verona/codes/code_of_ordinances?nodeId=TIT8HESA>

Clintonville (Sections 10.03(8) and 10.08)

<https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_9289283/File/Government/City%20Council/Municipal%20Code/CODE10.pdf>

For further comparison, Monona Section 312-4(F) and Middleton Section 17.2 simply prohibit "rank growth of vegetation." Waunakee doesn't address grass or lawns at all.

Chapter 1 Health and Sanitation

Sec. 8-1-1 Rules and Regulations.

The Common Council may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Council shall be subject to the general penalty provided for in this Code.

Sec. 8-1-2 Health Nuisances; Abatement of.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Common Council shall abate health nuisances pursuant to Sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this Section.

State law reference(s)—Sec. 146.14, Wis. Stats.

Sec. 8-1-3 Deposit of Deleterious Substances Prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

Sec. 8-1-4 Destruction of Noxious Weeds.

- (a) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Building Inspector of the City, or their designee, shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Building Inspector after the expiration of the five-day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Wis. Stats. § 66.96. In case the owner or occupant shall further neglect to comply within such five-day notice, then the Building Inspector shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (b) As provided for in Wis. Stats. § 66.96(2), the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of twelve (12) inches in height from the ground surface shall be prohibited within the City corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, 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)

Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)

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 Lambsquarter)

Rumex Crispus (Curled Dock)

Cannabis sativa (Hemp)

Plantago lanceolata (English Plantain)

Reynoutria japonica (Japanese Knotweed)

Noxious grasses, as defined in this Section and in Section 8-1-6, shall include, but not be limited to, the following:

Agrostia alba (Redtop)

Poa pratensis (Kentucky Blue)

Sorghum halepense (Johnson)

Setaria (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed

Thistles

Smartweed

Dandelions (over eight (8) inches in height)

State law reference(s)—Wis. Stats. § 66.96.

(Ord. No. 20-963, 5-11-20 ; Ord. No. 20-968, §§ 1—3, 9-28-20)

State law reference(s)—Sec. 66.96, Wis. Stats.

Sec. 8-1-5 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 twelve (12) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified

in Section 8-1-4 of this Chapter. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

- (b) **Safety Precautions for Natural Grass Areas.** When, in the opinion of the Fire Chief of the Department serving the City of Verona, 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.

Sec. 8-1-6 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 of Verona.

(b) **Public Nuisance Declared.**

(1) The Common Council finds that lawns, grasses and noxious weeds on nonagricultural lots or parcels of land, as classified under the Zoning Code, 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 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 City. For that reason, any lawn, grass or weed on a nonagricultural lot or other parcel of land (including all terraces) that exceeds eight (8) inches in length is declared to be a public nuisance, except for property located in a designated floodplain area or wetland area or where the lawn, grass or weed is part of a natural lawn pursuant to Section 8-1-5 above.

(2) All unimproved lots or parcels of land which have a stockpile of soil must seed, mulch and maintain the stockpile within the parameters of this Section. The stockpile of soil must be graded with no greater than four-to-one (4:1) slopes. Failure to comply with this Subsection (2) is declared a public nuisance.

(3) All unimproved lots or parcels of land shall be cleared of box elder, cottonwood, honeysuckle, buckthorn, dogwood or any woody vegetation. The failure to clear unimproved lots or parcels of land of box elder, cottonwood, honeysuckle, buckthorn, dogwood or any woody vegetation is declared a public nuisance.

- (c) **Nuisances Prohibited.** No person shall permit any public nuisance, as defined in Subsection (b) of this Section, to remain on any premises owned or controlled by such person within the City.

- (d) **Inspection.** The Weed Commissioner or his or her 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.** If, during any April 1 through October 30 period, an owner of a nonagricultural lot or parcel permits or allows any lawn, grass or weed on the lot or parcel to exceed eight (8) inches in length, the Director of Public Works may provide written notice to the owner directing that the lawn, grass or weed be cut so as to conform with this Section and with Sections 8-1-4 and 8-1-5 no later than fifteen (15) days following the issuance of the notice. The notice may be hand delivered or mailed to the last known address of the owner of the property. The notice shall state that the City may, during the remainder of the April 1 through October 30 period, and without further notice, cut any lawn, grass or weed on the lot or parcel that exceeds eight (8) inches in length, that the cost of such work shall be charged to the owner, and that the cost of such work may become a charge against the parcel or lot. If the owner fails to cut the lawn, grass or weed within the time required by the notice, then the Director of Public Works may cause the lawn, grass or weed to be cut. If a property owner has received at least one (1) written notice pursuant to this Section during an April 1 through October 30 period, and has permitted a lawn, grass or weed on a parcel or lot to exceed eight (8) inches in height, then the Director of Public Works may cause the lawn, grass or weed to be cut without

further notice. In all circumstances, the cost of cutting the lawn, grass or weed shall be charged to the owner, and may be assessed against the lot or parcel pursuant to Sec. 66.0627, Wis. Stats.

- (f) **Remedy From Notice.** Any person affected by a notice issued pursuant to Subsection (e) of this Section may, within ten (10) days of service of the notice, apply to the circuit court for an order restraining the City from abating or removing the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.
- (g) **Exemptions.** For the duration of the month of May each year, the City shall suspend enforcement of Section 8-1-6, regulation of length of lawn and grasses, or any other section that regulates the length of grass until June 1. This exemption will allow pollinators species to emerge and early flowering grasses to establish, which may result in groundcover exceeding established ordinance height restrictions and weed growth. Enforcement of this section will commence on June 1 of each year. This delayed enforcement only pertains to items listed in above (b)(1).

(Ord. No. 11-803, 6-27-11; Ord. No. 22-1000 , 1-24-22)

Sec. 8-1-7 Rodent Control.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the City, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.
 - (2) **A Rodent-Proof Container.** A container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - (3) **Rodent-Proofing.** Shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the City.
 - (4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent molestation or disturbance.
 - (5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
 - (6) **Rodent.** All nuisance animals.
- (b) **Elimination of Rodent Harborages.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.

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- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
 - (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the City, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
 - (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the City of Verona to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

Sec. 8-1-8 Composting.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the controlled biological reduction of organic waste to humus. Yard waste shall mean the organic waste produced from the growing, trimming, and removal of grass, branches (not exceeding 1" in diameter) bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
 - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the City to proceed under Section 8-1-7.
 - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or City in general.
 - (5) All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
 - a. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
 - (6) No compost bin shall be located in any yard except a rear yard, as defined in the City's Zoning Code, unless a variance is granted by the Board of Appeals.

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- (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.

(d) **Ingredients.**

- (1) No compost bin shall contain any of the following:

- a. Lakeweeds;
- b. Cooked food scraps of any kind or type;
- c. Fish, meat or other animal products;
- d. Manures;
- e. Large items that will impede the composting process.

- (2) Permitted ingredients in a compost bin shall include the following:

- a. Yard waste;
- b. Coffee grounds and used tea leaves;
- c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
- d. Commercial compost additives.

- (e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

Sec. 8-1-9 Smoking Prohibited in Certain Areas.

- (a) **Intent and Purpose.** The purpose and intent of this Ordinance is as follows:

- (1) To protect the public health, safety, benefit and welfare of the residents and visitors to the City of Verona.
- (2) To educate citizens affected by this Ordinance and to assist owners, operators and managers of affected facilities in maintaining compliance.

- (b) **Definitions.** In this Section:

- (1) **City Property** means all real estate, buildings, structures and vehicles owned, leased or operated by the City of Verona.
- (2) **Employee** means a person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment.
- (3) **Employer** means any person, business, partnership, association, trust, firm, corporation, for-profit or nonprofit entity, or governmental agency under the City's authority that has control over a place of employment.
- (4) **Enclosed Area** means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling.
- (5) **Place of Employment** means any area under the control of an employer including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence shall not be considered a place of employment unless it is used as a child care, adult day care or health care facility.

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- (6) **Private Residence** means premises owned, rented or leased for temporary or permanent habitation, not including lobbies, hallways and other common areas in any apartment building, condominium, retirement facility, nursing home or other multiple-unit residential facility.
 - (7) **Public Conveyance** means a mass transit vehicle as defined in Section 340.01 (28m), Wis. Stat., a school bus defined in Section 340.01 (56), Wis. Stat., or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within the State of Wisconsin, but does not include such a device while providing transportation in interstate commerce.
 - (8) **Public Place** means any area into which the public is invited or permitted, including elevators, reception areas, waiting rooms, cafeterias, restrooms, lobbies, hallways and other common areas in any retail building, mixed-use commercial building, apartment building, condominium, retirement facility, nursing home or other multiple-unit residential facility. A private residence located within a mixed-use commercial building is not a public place unless it is used as a child care, adult day care or health care facility.
 - (9) **Smoking** means to smoke or carry a lighted pipe, cigar, cigarette or tobacco-related product in any form. Smoking also includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device.
 - (10) **Sports Arenas** means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.
 - (11) **Electronic delivery device** means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- (c) **Prohibition of Smoking.**
- (1) **Public Places.** Smoking is prohibited in any enclosed area of a public place and is prohibited on or in designated City Property, including City Property that is outdoors. Nothing in this Ordinance shall be interpreted as a limitation on the right of a property owner to prohibit smoking in any area where smoking is not prohibited by the Ordinance.
 - (2) **Places of Employment.** It shall be unlawful for any person to smoke cigarettes or tobacco products in any enclosed area of a place of employment.
 - (3) **Entrances.** The person in charge of a restaurant, tavern, private club, or retail establishment at which smoking is prohibited may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.
 - (4) **Prohibited Areas.** Smoking is prohibited at a sports arena, bus shelter, a public conveyance and all other outdoor locations where smoking is prohibited under Section 101.123 Wis. Stat.
 - (5) **City Parks.** Smoking is prohibited in City Parks.
 - (6) **Paraphernalia Prohibited.** Ashtrays and other smoking paraphernalia shall not be located in areas where smoking is prohibited.
- (d) **Exceptions.** The following areas shall not be subject to the smoking restrictions of this Ordinance:
- (1) Private residences, unless it is used as a child care, adult day care or health care facility.
- (e) **Posting of Signs.**

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- (1) Every public place, place of employment, or any other area where smoking is prohibited by the Ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment shall post a conspicuous sign likely to be seen by any occupant clearly stating that smoking is prohibited. Use of the international "No Smoking" symbol, a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette, shall be construed as a clear statement that smoking is prohibited. The posting of signs is an affirmative duty upon the owner or operator of a public place, but failure of the owner or operator of a public place to post signs shall not be a defense to prosecution of a violation of this Ordinance. All such signs shall reference "Verona Ord. 8-1-9".
 - (2) Each sign and the language contained therein shall be clearly visible from a distance of at least ten (10) feet. Every vehicle that constitutes a place of employment under this Ordinance shall have at least one (1) conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
 - (3) It shall be unlawful for any person to remove, deface, or destroy any sign required by the Ordinance, or to smoke in any place where any such sign is posted.
- (f) **Retail Sales of Cigarettes.** Nothing in this Ordinance shall prohibit retail sales of prepackaged cigarettes, cigars, and nicotine products upon obtaining a license pursuant to Section 7-3-1.
- (g) **Enforcement.**
- (1) The Chief of Police or their designees shall have the power, under law, to enter upon the premises named in this Ordinance to ascertain whether the premises are in compliance with this Ordinance. A compliance time of not less than one (1) day shall be granted. Enforcement may be by citation, as permitted by Chapter 2 of Title 1 of the Code of Ordinances, or through issuance of a summons and complaint.
 - (2) The proprietor, employer or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by approaching smokers who fail to voluntarily comply with this Ordinance and requesting that they extinguish their cigarette or tobacco product and refrain from smoking. If the person refuses to comply, the proprietor, employer or other person in charge may ask the person to leave the premises or contact the Police Department.
 - (3) Any person who desires to register a complaint under this Ordinance may contact the Police Department.
 - (4) Violations of this Ordinance are subject to fine and forfeiture pursuant to Section 1-1-7.
- (h) **Clean Indoor Air.**
- (1) ***Intent and Construction.*** The City of Verona finds that it is in the interests of the health, safety and welfare of the community to adopt by reference Sec. 101.123, Wis. Stats., and subsequent amendments, additions and recodifications. It is the intent of the Common Council that where there may be conflict between Sec. 101.123, Wis. Stats., and Section 8-1-9 that the section most restrictive of smoking and tobacco use shall apply. This Ordinance shall not be construed to mean that progressive discipline of City employees for violations of laws, rules, and regulations is only authorized where explicitly provided by Ordinance.
 - (2) ***Penalty.*** The penalties provided by Sec. 101.123, Wis. Stats., shall be in addition to the penalties provided for violation of Section 8-1-9 when a person has violated both laws. In addition to the penalties provided by this Ordinance and Sec. 101.123, Wis. Stats., any City employee who violates any provision of this Ordinance or Sec. 101.123, Wis. Stats., may also be subject to progressive discipline by his or her employer.

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- (i) **Severability.** The provisions of this Ordinance are severable. If any provision of this Ordinance is held to be invalid or unconstitutional or if the application of any provision of this Ordinance to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this Ordinance would have been adopted had any invalid or unconstitutional provision or applications not been included herein.
- (j) **Adopted Date.** This Section 8-1-9 was duly amended by the City of Verona Common Council on August 9, 2010.
- (k) **Effective Date.** This Section 8-1-9 shall take effect on August 9, 2010.

(Ord. No. 09-761, 3-23-09; Ord. No. 09-767, §§ I—III, 4-27-09; Ord. No. 10-788, 8-9-10; Ord. No. 18-918, §§ 3—5, 8-16-18)

Notes about grass "nuisance" codes.

The files in the packet can be found at the following url's:

Cross Plains (Sections 24.07 and 24.08)

<<https://www.cross-plains.wi.us/DocumentCenter/View/103/Chapter-24-Property-Maintenance-PDF>>

Oregon (Section 10.03(6))

<[https://www.vil.oregon.wi.us/vertical/sites/%7B3631401E-89E6-4B18-B72B-25DC241CC205%7D/uploads/Village of Oregon Municipal Code - 12.19.2022 CMJ.pdf](https://www.vil.oregon.wi.us/vertical/sites/%7B3631401E-89E6-4B18-B72B-25DC241CC205%7D/uploads/Village_of_Oregon_Municipal_Code_-_12.19.2022_CMJ.pdf)>

Verona (Sections 8-1-5 and 8-1-6)

<https://library.municode.com/wi/verona/codes/code_of_ordinances?nodeId=TIT8HESA>

Clintonville (Sections 10.03(8) and 10.08)

<https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_9289283/File/Government/City%20Council/Municipal%20Code/CODE10.pdf>

For further comparison, Monona Section 312-4(F) and Middleton Section 17.2 simply prohibit "rank growth of vegetation." Waunakee doesn't address grass or lawns at all.

Clintonville Code

CHAPTER 10

PUBLIC NUISANCES

- 10.01 Public Nuisances Prohibited
- 10.02 Public Nuisances Defined
- 10.03 Public Nuisances Affecting Health
- 10.04 Public Nuisances Offending Morals and Decency
- 10.05 Public Nuisances Affecting Peace and Safety
- 10.06 Junk, Certain Vehicles, Recreational Equipment
and Firewood
- 10.07 Abatement of Public Nuisances
- 10.08 Lawn & Weed Control
- 10.09
- to
- 10.14 Reserved
- 10.15 Penalty

10.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

10.02 PUBLIC NUISANCES DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or in the use of property.
- (3) Greatly offend the public morals or decency.
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of sec. 10.02 of this chapter:

- (1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) **UNBURIED CARCASSES.** Carcasses of animals, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) **BREEDING PLACES FOR VERMIN, ETC.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (4) **STAGNANT WATER.** All stagnant water in which mosquitoes, flies or other insect can multiply.
- (5) **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not fly tight.
- (6) **ANIMALS.** All animals running at large.
- (7) **AIR POLLUTION.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits or within one mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

- (8) **NOXIOUS WEEDS.** All noxious weeds, as defined in 66.0407(1)(b), Wis. Stats. In addition, other rank growth of vegetation, and all weeds, grasses and plants over 8 inches in height, excluding trees and shrubs, which:
 - (a) Detract from the surrounding area and properties.
 - (b) Become a possible fire hazard, as determined by the Fire Chief.
 - (c) Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals.
 - (d) Are of infectious or poisonous nature in or adjacent to a populated area, regardless of height.
 - (e) Become a potential hazard to vehicular traffic in vision clearance triangles.
- (9) **WATER POLLUTION.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (10) **NOXIOUS ODORS, ETC.** Any use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- (11) **STREET POLLUTION.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- (12) **PESTICIDE APPLICATION.** The application, or causing of the application, of any pesticide, as defined in §946.67(25), Wis. Stats., in such a manner as to endanger the health of persons within the City.
- (13) **SMOKING PROHIBITED.** The Common Council hereby adopts Section 101.123, amended by Wisconsin Act 12, by reference.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sec. 10.02 of this chapter.

- (1) **DISORDERLY HOUSES.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution,

- (2) promiscuous sexual intercourse or gambling.
GAMBLING DEVICES. All gambling devices and slot machines.
- (3) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code.
- (4) CONTINUOUS VIOLATION OF CITY ORDINANCES. Any place or premises within the City where City ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or this Code.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of sec. 10.02 of this chapter:

- (1) SIGNS, BILLBOARDS, ETC. All signs and billboards, awning and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.
- (2) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the City.
- (3) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markers or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any device, sign or signal.
- (4) OBSTRUCTION OF INTERSECTIONS. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (5) TREE LIMBS. All limbs of trees which project over and less than 9 feet above any public sidewalk or less than 14 feet above a street or other public place.
- (6) DANGEROUS TREES. All trees which are injurious to public health safety because of a diseased or damaged condition, and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.
- (7) FIREWORKS. All use, possession or display of fireworks except as provided by the laws of the

PUBLIC NUISANCES OFFENDING MORALS AND DECENCY 10.04 (5)

State and ch. 9 of this Code.

- (8) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (9) WIRES AND CABLES OVER STREETS. All wires and cables over streets, alleys or public grounds which are strung less than 18 feet above the surface thereof.
- (10) NOISY ANIMALS OR FOWL. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City.
- (11) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- (12) SNOW, ICE AND DEBRIS REMOVAL. All debris not removed, and all snow and ice not removed or sprinkled with salt, ashes, sawdust or sand, as provided in ch. 8 of this Code.
- (13) REFRIGERATORS. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (14) OPEN PITS, BASEMENTS, ETC. All open and unguarded pits, wells, excavations and basements.
- (15) FLAMMABLE LIQUIDS VIOLATIONS. Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.
- (16) VEHICLES/MACHINERY NOISE: It shall be unlawful for any person having charge or control of any vehicle or machinery, or owning a vehicle or machinery, to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, stereo or other mechanical or electrical device, instrument or machine upon the highways, which loud, excessive or unusual noise tend to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.
- (17) OUTSIDE WOOD BURNERS
 - a. Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the City. All solid fuel units installed within the City at the time of the adoption of this ordinance are required to meet emissions standards currently required, or amended, by the Environmental Protection Agency (EPA),

PUBLIC NUISANCES OFFENDING MORALS AND DECENCY 10.04 (5)

but said units shall not be used after June 1, 2011.

- b. This ordinance shall not apply to those solid fuel heating devices which have been purchased, installed and operated prior to the date of the adoption of this ordinance. The burden of proving that said devices were purchased, installed and operated shall be on the owner of said devices. The exemption stated herein shall only apply to existing devices that were purchased, installed and operated prior to the adoption of this ordinance. In the event that said device(s) needs to be replaced, said new device shall not be allowed.
- c. The following restrictions shall apply for any wood burners that are allowed under this ordinance:
 - 1. All wood burned in outdoor wood burners will not be contaminated with oil or any other substance which would cause smoke to become a nuisance to adjoining property owners.
 - 2. Wood pellets can be burned in outdoor wood burners if said items are allowed pursuant to the manufacturer's instructions for said wood burner.
 - 3. The items prohibited from being burned in an outdoor wood burner included, but are not limited to: garbage, corn, green or treated wood, rubber products, plastics and any other items that cause or would cause smoke to become a nuisance to adjoining property owners.

10.06 JUNK, CERTAIN VEHICLES, RECREATIONAL EQUIPMENT AND FIREWOOD.

- (1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the City.
 - (a) Any motor vehicle, truck body, tractor or trailer as enumerated in subs. (3) and (4) below and defined in sub. (2)(a), (b) and (c) below.
 - (b) Any junk stored contrary to sub. (5) below.
 - (c) Any recreational equipment stored contrary to sub. (6) below.
- (2) DEFINITIONS. The words, phrases and terms used in this section shall be interpreted as follows:
 - (a) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

PUBLIC NUISANCES OFFENDING MORALS AND DECENCY 10.04 (5)

- (b) Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers. Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.
- (c) Motor Vehicle. As defined in §340.01(35), Wis. Stats.
- (d) Junk. Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or City property values, health, safety or general welfare.
- (e) Recreation Equipment. Boats, canoes, boat and utility trailers, mobile homes, campers, off-highway vehicles and snowmobiles.
- (f) In the Open. Land which may be viewed from public streets or adjoining property.

(3) STORAGE OF INOPERABLE VEHICLES, ETC.

- (a) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the City for a period exceeding 10 days.
- (b) Exceptions.
 - 1. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than 3 disassembled or wrecked vehicles, including vehicles under repair, in the open for a period not to exceed 30 days, after which such vehicles shall be removed.
 - 2. Junk yards licensed under ch. 12 of this Code.

(4) STORAGE OF UNLICENSED VEHICLES, ETC.

- (a) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property in the city for a period exceeding 10 days.
- (b) Exceptions.
- (c) Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.
 - 2. Garden tractors and mowers may be stored in the rear yard not less than 10 feet from any property line.

- (5) **STORAGE OF JUNK PROHIBITED.** No person, except a junk dealer licensed under ch. 12 of this Code, shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the City.
- (6) **STORAGE OF RECREATIONAL EQUIPMENT AND PARKING OF RECREATIONAL EQUIPMENT, SEMI-TRUCKS AND SEMI-TRAILERS REGULATED.** No person shall store any recreational equipment on any street right of way or within the front setback including the driveway, for a period of more than 96 hours, unless a variance is granted by the Building Inspector, which variance can be granted only for storage of such items within the front setback including the driveway. A person may apply to the Police Department for the storage and/or parking of recreational equipment, semi-trucks and semi-trailers in public parking lots. The Police Department has the right to deny the issuance of a permit if the applicant has or will not be compliant with other Ordinances of the City. The Council may designate, by resolution, a time and place for the storage and/or parking of recreational equipment, semi-trucks and semi-trailers. A fee, as set by Council resolution, shall be paid by the person requesting such parking or storage of said items. Said fees shall be paid at the time the permit is issued.
- (7) **STORAGE OF FIREWOOD.**
- (a) Regulated. No person shall store firewood on any residential premises except for use on the premises. No firewood pile may be located within the front setback.
- (b) Exception. Any firewood pile located contrary to the provisions of par. (a) above on the effective date of this subsection need not be moved to a place of compliance until June 1, 1987.
- (7.1) PORTABLE STORAGE STRUCTURES TEMPORARY STRUCTURES AND DUMPSTERS.
- (a) **Definitions.**
1. "Dumpster" is any large metal bin/container for refuse, garbage, commercial waste, industrial waste or construction materials designed to be hoisted on to a specially equipped truck for emptying or hauling away.
 2. "Portable Storage Structure" is any container, storage unit, shedlike container or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building.
 3. "Temporary Structures" are structures with fabric, plastic-type structures such as tents, screen rooms, greenhouses or similar structures that are used for storage. Said structures often times are supported with four (4) or more posts, generally have a roof and sometimes have side walls. This definition includes those structures that are often constructed with plastic, nylon, canvas or styrofoam material.

(b) Portable Storage Structure.

The use of portable storage structures are allowed in the R1, R2 and R3 Zoning Districts, subject to the following conditions:

1. There must be no more than one (1) portable storage structure per property.
2. The portable storage structure must be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
3. A portable storage structure must not remain at a property in excess of thirty (30) consecutive days, and must not be placed at any one property in excess of thirty (30) days in any calendar year.
4. The portable storage structure must be place within the buildable area of the lot and comply with all setback requirements.
5. Portable storage structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction and must be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.

(c) Dumpsters.

The use of dumpsters in the R1, R2 and R3 Zoning Districts are subject to the following conditions:

1. There must be no more than one (1) dumpster per property.
2. A dumpster must not remain at a property in excess of thirty (30) consecutive days, and must not be placed at any one property in excess of thirty (30) days in any calendar year.
3. The dumpsters used for construction purposes, the dumpster must be removed within fourteen (14) days after the completion of said construction.
4. The dumpster must be leak proof or covered.

(d) Temporary Structures.

The use of temporary structures are allowed in the R1, R2 and R3 Zoning Districts, subject to the following conditions:

1. There must be no more than one (1) temporary structure per property.
2. The temporary structure must be no larger than ten (10) feet wide, twenty (20) feet long and ten (10) feet high.
3. The temporary structure must be placed within the buildable area of the lot and comply with all setback requirements, except the temporary structure shall not be closer to the front yard lot line than the main structure is.
4. A temporary structure in the front yard must not remain at a property more than three (3) consecutive days and no more than nine (9) days per calendar year.
5. In the event a temporary structure needs repair or alteration, as such temporary structure is unsightly, is or could cause a public nuisance, the City Public Works manager or his/her

designee, shall serve an Order to Repair said structure on the property owner/occupant and allow the property owner/occupant ten (10) days to repair the same. No citation shall be issued to the property owner/occupant until the issuance of said Order and the expiration of said ten (10) days in order to allow the property owner/occupant to repair/alter the temporary structure so as to meet with the approval of the Public Works manager or his/her designee.

(8) VARIANCE.

- (a) Application. In the event any person shall encounter great practical difficulty in complying with the provisions of subs. (6) or (7) above because of lot size, location of buildings or topography, such person may file an application for a variance with the Building Inspector on a form supplied by the Inspector.
- (b) Limitations. Any variance granted by the Building Inspector shall be limited, as follows:
 - 1. Recreation Vehicles. Recreation vehicles may be parked in the driveway within the front setback April 1 and November 1 of each year, provided that the sidewalk is not blocked.
- (c) Grant or Denial of Application. The Building Inspector shall review the application and view the premises. He/she shall grant or deny a three year variance in accordance with the provisions of this subsection. No fee shall be charged for said application.
- (d) Appeal. Any person aggrieved by any determination of the Building Inspector under this subsection may file a written appeal with the Council within 30 days.

(9) ISSUANCE OF CITATION; ACTION TO ABATE. Whenever the Building Inspector or the Police Chief shall find any such vehicle, junk or recreational equipment, as defined in sub. (2) above, accumulated, stored or remaining in the open upon any property within the City contrary to the provisions of subs. (3), (4), (5) and (6) above, or firewood stored contrary to sub. (7) above, he shall notify the owner of said property on which such vehicle, junk, recreation equipment or firewood is located of the violation of this section. If such vehicle, junk, recreational equipment or firewood is not removed within 10 days, the Building Inspector or the Police Chief shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle, junk, recreational equipment or firewood is located. In addition, action to abate such nuisance may be commenced, as provided, in sec. 10.07 of this chapter. In the event that a property owner or occupant of the property is subject to a second violation within one year, then the notice to remove such junk, vehicle, recreational equipment or firewood shall require the removal of same within 48 hours with the alternative being a citation being issued pursuant to the provision of this sub-section.

(10) PENALTY. Any person who shall be adjudicated to have violated any of the provisions of this section shall be subject to a forfeiture of not less than \$50 nor more than \$100 on the first offense and a forfeiture of not less than \$50 nor more than \$200, plus the costs of said prosecution and, upon default of payment of such forfeiture and costs, shall be imprisoned in

the County Jail until such forfeiture and costs are paid, but not to exceed 10 days. Each day that a violation of this section continues shall be deemed a separate offense.

10.07 ABATEMENT OF PUBLIC NUISANCES.

- (1) **ENFORCEMENT.** It shall be the duty of the Chief of Police, the Fire Chief or his or her designee, the Building Inspector, the City Forester and the Health Officer to enforce those provisions of this chapter that come within the jurisdiction of their respective offices, including the issuance of citations, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- (2) **SUMMARY ABATEMENT.**
 - (a) **Notice to Owner.** If the inspecting officer shall determine that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the Chief of Police to service notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the City shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
 - (b) **Abatement by City.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- 3) **ABATEMENT BY COURT ACTION.** If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Mayor, who may direct the City Attorney to commence an action in Circuit Court for the abatement of the nuisance.
- (4) **OTHER METHODS NOT EXCLUDED.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture as provided in sec. 10.15 of this chapter.
- (5) **COST OF ABATEMENT.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or

person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

10.08 LAWN CARE & WEED CONTROL

LAWN CARE

(1) DEFINITIONS.

- (a) Natural Lawn. Any land managed to preserve or restore native Wisconsin grasses, native trees, shrubs, wildflowers and aquatic plants.
- (b) Turf Grass. Grass commonly used in regular mowed lawns or play areas such as, but not limited, blue grass, fescue and rye grass blends.

(2) HEIGHT RESTRICTIONS/REGULATIONS.

- (a) Residential Districts (R1, R2, R3), Downtown Business District (B1), Neighborhood Convenience District (B2) and Highway Commercial Overlay District (B3). All areas where turf grass and grassy vegetation is present the height must not exceed 8 inches.
- (b) Industrial District (I-1), Intensive Industrial District (I-2) and Industrial Park District (IP). In all areas included in the front setback or side street setback to any structures the maximum height is 8 inches for all vegetation and grass. On non-street side and rear setback areas all vegetation and grass that surrounds all structures must be kept to a height of not more than 8 inches to a depth of at least 30 feet. On the remainder of the parcel, all vegetation and grass may be allowed to grow in a natural state. All regulations on noxious weeds still apply to these areas. In all roadway and ditch areas, vegetation and grass must not exceed the maximum height of 8 inches.
- (c) Undeveloped Lands. In all zoning districts with parcels of 1.5 acres or larger that are undeveloped and are contiguous to developed property, all vegetation and grass must be mowed to a height of 8 inches or less to a depth of 30 feet, after the first 30 feet the vegetation is allowed to grow in a natural state. All regulations on noxious weeds still apply to these areas.

For parcels 1.5 acres or larger that border other undeveloped land for parcels for 1.5 acres or larger that border other undeveloped land, all vegetation and grass may be left to grow in a natural state. All regulations on noxious weeds still apply to these areas.

(3) EXCEPTIONS TO HEIGHT RESTRICTIONS.

- (a) Any land owned by or leased by the Wisconsin Department of Natural Resources or owned by the City of Clintonville that are preserved as natural areas by design.
- (b) Any land on a natural floodplain adjacent to, or waterway flowing to the Pigeon River or

Honey Creek that has been allowed to remain in its natural state to enhance the water quality of the body of water.

- (c) Mature wooded areas in which trees are in tree line where the distance between trees effectively prevents using a push mower to keep vegetation down.
- (d) Controlled plantings/beds of biennial or perennial native wildflowers and/or grasses intentionally planted in beds as a prairie garden or rain garden and ornamental grasses.
- (e) Land zoned Rural Transitional (RT) that is being used for agricultural purposes.

(4) **NATURAL LAWN OR AGRICULTURAL USE PERMIT.** Owners of property may apply to the Plan Commission for a Natural Lawn or Agricultural Use Permit to exceed the height restrictions listed above. The application process includes filling out an application and has no fee. Permits that are granted will only remain in effect while the property owner remains the same. The approval will include any restrictions set forth by the City such as type of plantings, setback requirements, height restrictions, etc. New owners must reapply. The City can revoke exceptions that were previously issued if reason for exception is no longer valid or the area later has noxious weeds, or goes beyond scope of exception. If such a violation occurs the owner will be notified in writing and will be given 15 days to rectify the problem prior to the permit being revoked. If the permit is revoked the owner will have 5 additional days to get the property into compliance with the height regulations for said parcel. The Plan Commission will hold a public hearing for each permit being considered. All adjacent property owners to the permit applicant will be notified by mail of the public hearing with at least 10 days notice. All recommendations of the Plan Commission for these permits must be approved by Council. The Clerk's office will keep a permanent record of all permits granted.

WEED CONTROL

- (1) **NOXIOUS WEEDS AND RANK GROWTH PROHIBITED.** No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance, as defined in sec. 10.03(8) of this chapter.
- (2) **NOTIFICATION.** The Mayor shall 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 sec. 10.03(8) of this chapter, on land in the City which he owns, occupies or controls.
- (3) **ENFORCEMENT.** If a property owner fails to control the growth of such weeds or rank growth of vegetation on his property, the Weed commissioner shall serve upon him notice as to this fact. If such owner fails to abate this nuisance within 2 days after service of the notice, the Weed Commissioner shall take action to abate such public nuisance.
- (4) **COSTS.** If the City causes a nuisance to be removed as provided in sub. (3) above, the actual cost thereof, together with an administrative fee equal to 10% of the actual costs, shall be charged the property owner, but in no event shall such administrative fee be less than the minimum charge

PUBLIC NUISANCES 10.07 (2)

established by Council resolution. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection PUBLIC NUISANCES 10.07 (2)10-10 equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes.

10.15 PENALTY. In addition to the penalties provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in sec. 25.04 of this Code.