



136 North Monroe Street
Waterloo, WI 53594-1198
Phone: (920) 478-3025
Fax: (920) 478-2021
www.waterloowi.us

PUBLIC NOTICE OF A COMMITTEE MEETING OF THE COMMON COUNCIL OF THE CITY OF WATERLOO

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public & news media, that the following meeting will be held:

COMMITTEE: PUBLIC WORKS & PROPERTY COMMITTEE
DATE: July 7, 2022
TIME: 6:00 p.m.
LOCATION: Municipal Building Council Chambers, 136 N. Monroe Street (in-person or remote)

Join Zoom Meeting: <https://us02web.zoom.us/j/81983219784?pwd=1x4PmLXOhuQW5SOi6IU1UHojckcuOD.1>
Meeting ID: 819 8321 9784 Passcode: 491736
Dial by phone +1 312 626 6799 US (Chicago)

COMMITTEE REGULARLY SCHEDULED MEETING

1. PLEDGE OF ALLEGIANCE, CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING MINUTES – June 2, 2022
3. CITIZEN INPUT / PUBLIC COMMENT
4. PROJECT OVERSIGHT & UPDATES
 - a. WisDOT Funding Submittals
5. UNFINISHED BUSINESS
6. NEW BUSINESS
 - a. 2011 Ford F550 Truck – engine issues
 - b. Skag Cheetah mower – engine issues
 - c. Culvert Policy
 - d. Weed Notice Ordinance review
7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS -- Committee Calendar
8. ADJOURNMENT

Jeanne Ritter
Clerk/Deputy Treasurer

Committee Members: Weihert, Petts and A. Kuhl

posted, e-mailed & distributed: 06/30/2022

PLEASE NOTE: IT IS POSSIBLE THAT MEMBERS OF AND POSSIBLY A QUORUM OF MEMBERS OF OTHER GOVERNMENTAL BODIES OF THE MUNICIPALITY MAY BE IN ATTENDANCE AT THE ABOVE MEETING(S) TO GATHER INFORMATION. NO ACTION WILL BE TAKEN BY ANY GOVERNMENTAL BODY OTHER THAN THAT SPECIFICALLY NOTICED. ALSO, UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST SUCH SERVICES PLEASE CONTACT THE CLERK'S OFFICE AT THE ABOVE LOCATION.

CITY OF WATERLOO PUBLIC WORKS & PROPERTY COMMITTEE MEETING MINUTES: June 2, 2022

Digital audio files are archived with these written minutes additionally serving as the official record.

COMMITTEE REGULARLY SCHEDULED MEETING

1. PLEDGE OF ALLEGIANCE, CALL TO ORDER AND ROLL CALL. Weihert called the meeting to order at 6pm. Committee members present: A. Kuhl, Weihert & Petts. Absent: none. Others in attendance Mayor Quimby; Police Chief Denis Sorenson; Utilities Superintendent Barry Sorenson; Council President Thomas; DPW Yerges; Alder-at-large C. Kuhl.
2. APPROVAL OF MEETING MINUTES – May 5, 2022 [Petts/Kuh] VOICE VOTE: Motion carried.
3. CITIZEN INPUT / PUBLIC COMMENT none.
4. PROJECT OVERSIGHT & UPDATES
 - a. WisDOT Funding Submittals- no updates.
5. UNFINISHED BUSINESS
 - a. Improving Street Lighting At Intersection Of Madison and Monroe Street. Superintendent Sorenson and Public Works Director Yerges will take care of this. Ok to remove going forward.
6. NEW BUSINESS
 - a. Resolution 2022-18 Awarding Bid for Mill and Overlay project on Riverside Dr and Minnehaha Ln. Yerges went over bids. Motion to accept Payne & Dolan bid for Mill and Overlay including Base bid A & Base bid B. [A.Kuhl/Petts] VOICE VOTE: Motion carried.
 - b. Leschinger street – Semi-traffic using newly constructed street. Discussion regarding new street being used by semi traffic again or what weight should be permitted. McKay would like to use it for their work trucks. Adams Street was built exactly for heavy truck traffic. Engineer had stated in an email that Leschinger was buildt to handle truck traffic too. Motion to only allow trucks under 35,000 lbs and no semi traffic at this time. [A.Kuhl/Petts] VOICE VOTE: Motion carried.
7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS -- Committee Calendar
 - a. City Forestry Plan (May 2022) –
 - b. Tour of municipal facilities – Chad can take A.Kuhl and S. Cummings out if they would like the tour.
 - c. Mayor’s 2023 Budget start date. (June2022)
8. ADJOURNMENT [Petts/ A. Kuhl] VOICE VOTE: Motion carried. 6:59 pm

Jeanne Ritter
Clerk/Deputy Treasurer

Jeanne Ritter

From: Mike Tschanz
Sent: Wednesday, July 06, 2022 1:40 PM
To: Jeanne Ritter
Subject: FW: Lawnmower damage claim CP 221705

Hi Jeanne
Please add this to the finance packet for Thursday 7/7/22

From: Weber, Jonathan <jweber@berkleyrisk.com>
Sent: Wednesday, July 6, 2022 12:00 PM
To: Chad Yerges <dpw@waterloowi.us>; Mike Tschanz <mtschanz@waterloowi.us>
Subject: RE: Lawnmower damage claim CP 221705

Hi Chad,

The City does NOT need to fix the old mower. The City can use the money however they want.

Jon Weber
P&C Claims Manager & Adjuster



222 South Ninth Street, Suite 2700 | Minneapolis, MN 55402
(o)612-766-3072 | (f) 612-766-3399
jweber@berkleyrisk.com | www.berkleyrisk.com

From: Chad Yerges <dpw@waterloowi.us>
Sent: Wednesday, July 6, 2022 11:56 AM
To: Weber, Jonathan <jweber@berkleyrisk.com>; Mike Tschanz <mtschanz@waterloowi.us>
Subject: RE: Lawnmower damage claim CP 221705 [EXTERNAL]

** CAUTION: External message

Jon
Can I use the \$4669.23 to put towards a new mower or do I have to use the money to fix the old mower?

Chad Yerges
City of Waterloo – DPW Director
211 Hendricks Street
Waterloo, WI 53594

(920) 478-3025

From: Weber, Jonathan <jweber@berkleyrisk.com>
Sent: Wednesday, July 6, 2022 10:53 AM
To: Mike Tschanz <mtschanz@waterloowi.us>

Cc: Chad Yerges <dpw@waterloowi.us>

Subject: RE: Lawnmower damage claim CP 221705

Good morning Mike,

I was able to speak to Chad Jones with Mid State Equipment today. He confirmed the damages with me. We have no issues with the repair estimate (\$5,669.29) Mid-State wrote for the repairs of your lawn mower. It is OK to proceed with repairs from our end. I have processed payment less the policy deductible \$1,000. You should expect to see the payment within a week. You will need to give Mid-State the go ahead on the repairs.

Please let me know if you have any questions.

Jon Weber

P&C Claims Manager & Adjuster



222 South Ninth Street, Suite 2700 | Minneapolis, MN 55402

(o)612-766-3072 | (f) 612-766-3399

jweber@berkleyrisk.com | www.berkleyrisk.com

From: Mike Tschanz <mtschanz@waterloowi.us>

Sent: Friday, July 1, 2022 9:55 AM

To: Weber, Jonathan <jweber@berkleyrisk.com>

Cc: Chad Yerges <dpw@waterloowi.us>

Subject: RE: Lawnmower damage claim [EXTERNAL]

**** CAUTION:** External message

Hello Jon

The mower is currently at the dealership. We will reach out to see if they could provide any photos.

The mower has a bent crankshaft in the motor.

Thank you

Mike Tschanz
Treasurer/Deputy Clerk
City of Waterloo
Phone: 920-478-3025
Web: www.waterloowi.us

From: Weber, Jonathan <jweber@berkleyrisk.com>

Sent: Friday, July 1, 2022 9:47 AM

To: Mike Tschanz <mtschanz@waterloowi.us>

Subject: Lawnmower damage claim

Hi Mike,

I am the adjuster who is going to be handling this new claim. We are having our new loss intake team set up this claim. Do you have any photos of the damage to the lawn mower?

Jon Weber
P&C Claims Manager & Adjuster



222 South Ninth Street, Suite 2700 | Minneapolis, MN 55402
(o)612-766-3072 | (f) 612-766-3399
jweber@berkleyrisk.com | www.berkleyrisk.com

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www.midstateequipment.com

W1115 Bristol Rd.
Columbus, WI 53925
920-623-4020

4323 E US Hwy 14
Janesville, WI 53546
608-754-8450

3660 Scenic Dr.
Jackson, WI 53037
262-677-8400

WATERLOO
8841 Antioch Rd.
PO Box 10
Salem, WI 53168
262-843-2326

S9711 Hwy 12
Prairie Du Sac, WI 53578
608-643-3307

355 Transit Dr. **RENTALS**
Columbus, WI 53925
920-623-4300

CUSTOMER INVOICE

Customer Name CITY OF WATERLOO
Address 136 N MONROE STREET
City WATERLOO
State WI Zip 53594
County _____
Customer PO# _____

Ship To Address	

Date _____
Customer Acct# _____
Phone# _____
Cell# _____
Fax# _____

Email _____

PAYMENT TYPE

- Cash Internal charge JD note Mastercard Customer Clearing
 Farm Plan Check# JDCRP Visa Other

EQUIPMENT INFORMATION

New	Usd	Make	Model	Description	Hrs	Tag#	Serial#	Amount	GVW (lbs.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	SC	841X	STTII-61-31DFI				\$15,680.00	
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>			CLAM SHELL KIT				\$3,386.00	
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>			CLAM SHELL INSTALL				\$275.00	
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/>	<input type="checkbox"/>								

EQUIPMENT DESCRIPTION / NOTES	\$250.00	Freight and Delivery
MOWER WILL BE SET UP READY TO GO AND DELIVERED	\$19,591.00	Subtotal
	\$500.00	Less Trade
		Convenience Fee
	\$19,091.00	Subtotal
		Sales Tax %
10% Non-Refundable down payment required prior to ordering of Special ordered and NonStocked items.		Payoff Amount
TRADE INFORMATION: ALLOWANCE ON TRADE IN OF THE FOLLOWING WHICH I CERTIFY FREE FROM ALL ENCUMBRANCES		<Down Payment>
	\$19,091.00	Total Cash price

Year	Mke	Model	Description	Hrs	Tag#	Serial#	Trade Value
2016	SC	CHEETAH	61" 35HP KOHLER				\$500.00
Select							
Select							
Select							
Select							
Select							

WARRANTY INFORMATION

New Extended Manufacture
 Used No Warranty Other/See below

Warranty doesn't cover delivery fee/service calls

Term _____ Hours _____

Term _____ Hours _____

All known defects of trades have been disclosed to Mid-State Representative prior to agreement. _____ (Customer Initials)

I CERTIFY THAT THE PROPERTY ABOVE IS IS NOT EXEMPT FROM WISCONSIN SALES TAX BECAUSE IT WILL BE USED OR LEASED IN PRODUCTION OF AGRICULTURE.

ALL INVOICES DUE UPON RECEIPT. A FINANCE CHARGE computed by the periodic rate of 1.5% per month which is an ANNUAL RATE of 18% will be applied to the adjusted balance that has become more than 30 days past due as of the billing date shown on the statement.

CUSTOMER SIGNATURE _____ **JON SCHROEDL** MID-STATE SALES REPRESENTATIVE _____ DATE _____ Auth. Dealer Signature _____

Thank you for your business!

Rev. 10/17/2018

ALL WARRANTIES, IF ANY, MADE WITH RESPECT TO THIS EQUIPMENT ARE THOSE WARRANTIES MADE BY THE MANUFACTURE. DEALER MAKES NO WARRANTIES EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.



www.midstateequipment.com

WATERTOWN 920-261-8118
SAUK PRAIRIE 608-643-3307
SALEM 262-843-2326

JACKSON 262-677-8400
JANESVILLE AG 608-754-8450
CP 608-758-7494

COLUMBUS 920-623-4020
608-251-5400
COLUMBUS RENTAL 920-623-4300

REMIT PAYMENT TO:
MID-STATE EQUIPMENT
4323 E US HWY 14
JANESVILLE, WI 53546-9494

Ship to:

SAME AS BELOW

Invoice to:

CITY OF WATERLOO
136 N MONROE STREET
WATERLOO WI 53594

Branch: 01 - WATERTOWN
Date: 06/29/2022 Time: 14:23:28 (O) Page: 1
Account No.: 4144783025 Phone No.: 9204783025 Invoice No.: 006263
Ship Via: SCAG CHEETA
Purchase Order: 39-1928978
Salesperson: DRT

ESTIMATE EXPIRY DATE: 07/29/2022

SERVICE ESTIMATE - NOT AN INVOICE

Stock #: 123274 61"34KOHEFI, CHEETAH MS #: L6800330
Make: SC Model: SCZ61V34
Is to have the following work done

replace engine and other damage

Table with 5 columns: Part#, Description, Qty, Price, Amount. Rows include parts like CLUTCH, BLADES, BOLT, FLAT FRE, LUBE FITTING, CONE, CUP, and SEALS.

MISCELLANEOUS CHARGES table with 3 columns: Description, Price, Amount. Row for ENGINE with Price 4000.00 and Amount 4000.00.

Parts: 877.29
Labor: 792.00
Miscellaneous: 4000.00
TOTAL: 5669.29

Authorization: _____

SERVICE CHARGE ON OVERDUE ACCOUNTS AT THE RATE OF 1 1/2 % PER MONTH (18 % PER ANNUM)
I HEREBY AUTHORIZE THE ABOVE WORK TO BE DONE ALONG WITH THE USE OF NECESSARY MATERIALS...

I hereby certify that I engaged in the business of farming and that the goods shown on this invoice will be used exclusively in the conduct of that business.

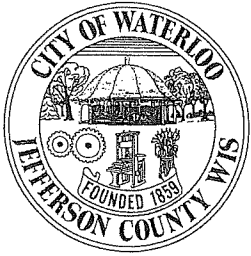
Any warranties on the product sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied...

X SIGNATURE DATE

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 261-8 Weed control.

- A. 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 § **261-3H** of this chapter.
- B. 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 § **261-3H** of this chapter, on land in the City which he owns, occupies or controls.
- C. 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 five days after service of the notice, the Weed Commissioner shall take action to abate such public nuisance.
- D. Costs. If the City causes a nuisance to be removed as provided in Subsection **C** above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, shall be charged to the property owner. 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 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, pursuant to § 66.0517, Wis. Stats.



136 North Monroe Street
Waterloo, WI 53594
Phone: (920) 478-3025
Fax: (920) 478-2021
www.waterloowi.us

May 26, 2022

Waterloo, WI 53594

Re: Weed Notice
Tax Parcel # 290-0813-
Waterloo, WI 53594

To Whom It May Concern:

You are hereby notified to destroy the noxious weeds and/or rank growth of vegetation on your property per the City of Waterloo Municipal Code section §261-8 **WEED CONTROL** and §261-3H **PUBLIC NUISANCES AFFECTING HEALTH, NOXIOUS WEEDS**

We realize that your landscaping is not in yet, but you will still need to cut or spray the weeds to control their growth until such time that the yard is completed.

All noxious weeds as defined in §66.0407(1), WI Stats. and in addition, other rank growth of vegetation, and all weeds, grasses, and plants over 12 inches in height, excluding trees and shrubs are identified as a public nuisance affecting health in section §261-3H.

If such owner fails to abate this nuisance within 5 days after service of the notice, the Weed Commissioner shall take action to abate such nuisance.

If the City causes a nuisance to be removed, the cost thereof, together with an administrative fee equal to 10% of the cost shall be charged to the property owner. If such charges are not paid by November 15, 2022, an additional administrative fee for collection equal to 10% of the total of such charges and fees shall be extended as a special charge on your 2022 tax bill.

Sincerely,

Chad Yerges
Public Works Director

City of Watertown, WI
Monday, June 20, 2022

Chapter 446. Solid Waste

Article III. Control of Weeds, Grasses and Brush

§ 446-22. Noxious weeds.

Noxious weeds are defined as and shall include:

- A. Any and all weeds and other vegetation prohibited by § 66.0407, Wis. Stats., or any Wisconsin Administrative Code provision, and as they may be from time to time amended.
- B. Each and every of the following:

Common Name(s)	Botanical Name(s)
Buckthorn	Rhamnus cathartica
	Rhamnus frangula
Burdock (yellowdock)	Artium lappa
Field bindweed (wild morning glory)	Convolvulus arvensis
Garlic mustard	Alliaria petiolata
Goatsbeard (oyster plant, salsify)	Tragopogon porrifolius
Leafy spurge	Euphorbia esula
Marijuana	Cannabis sativa
Nettle	Urtica dioica
Oxeye daisy	Chrysanthemum leucanthemu
Pigweed (lamb's quarters)	Chenopodium album
Poison ivy	Rhus radicans
Purple loosestrife	Lythrum salicaria
Quackgrass	Bromus brizaeformis
Ragweed (common)	Ambrosia artemisifolia
Ragweed (great)	Ambrosia trifida
Spotted knapweed	Centaurea maculosa
Thistle bull	Cirsium vulgare
Thistle canada	Cirsium arvense
Thistle musk or nodding	Carduus nutans
Thistle star (caltrops)	Centaurea calicitrappa
Thistle sow (field)	Sonchus arvensis
Thistle sow (common)	Sonchus oleraceus
Thistle sow (spiny leaved)	Sonchus asper
Sweet clover (yellow)	Melilotus officinalis
Sweet clover (white)	Melilotus alba

Common Name(s)

Winter cress
 Japanese bamboo
 Wild mustard

Botanical Name(s)

Barbarea vulgaris

§ 446-23. Noxious weeds, grasses and brush prohibited; height limit.

No owner of property within the City shall permit to grow or pollinate upon his or her property or upon any lands between the lot line of his or her property and the curb or pavement fronting such property any noxious weeds, grasses or brush that may cause or produce hay fever in human beings, produce unpleasant or noxious odors or conceal filthy deposits or provide a place for the accumulation of trash or litter. In order to prevent such growth and pollination, every property owner shall mow or cause to be mowed upon his or her property all weeds and grasses exceeding eight inches in height and all brush exceeding one foot in height. **If any owner in the City neglects or fails to cut the same after having been given a seven-day written notice (only one such notice need be issued per property per calendar year, thereafter enforcement action may proceed without prior notice) by the Weed Commissioner or his or her designee, the Weed Commissioner or Weed Commissioner's designee is authorized to enter upon such property and cause the weeds, grasses or brush in violation of this section to be cut or mowed in conformity with this section.** Written notice under this section shall be issued to the owner of such property and shall state that such weeds and grasses have exceeded a height of eight inches and that such shall be cut within a time designated by the Weed Commissioner or Weed Commissioner's designee. The notice shall be sent by first-class mail, postage prepaid, to the owner's last known and reasonably ascertainable address.

- A. Exemptions. The height requirement of this section shall not apply to the following:
- (1) Zoned wetland.
 - (2) Zoned agricultural with only one seasonal harvest.
 - (3) Permit from DNR to grow wild grasses for wildlife.
 - (4) Special characteristics of land and location.
 - (a) Remote location as determined by the Weed Commissioner or Weed Commissioner's designee.
 - (b) Historical character.
 - (c) Presently rough, wet or wild.
 - (d) Environmentally sensitive areas.
 - (5) Approved natural landscapes pursuant to Chapter **356**, Article **I**, of this Code.
 - (6) Government programs.
- B. Review of exemptions. All property exemptions will be reviewed on a case-by-case basis by the Public Works Commission and the Weed Commissioner.
 [Amended by Ord. No. 05-29]
- C. Waiver. The Weed Commissioner or Weed Commissioner's designee may waive the provisions of this section in whole or part when, in the Weed Commissioner or Weed Commissioner's designee's opinion, an application for waiver is justified relative to grasses and other plants. A waiver may be granted if the waiver will not cause a detracting from the aesthetics of an area, not create a nuisance, and not otherwise detract from the health, safety and welfare of near and

neighboring residents, and for other reasons in the sole judgment of the Weed Commissioner or Weed Commissioner's designee.

§ 446-24. Enforcement.

This article shall be enforced by the Weed Commissioner or his or her designee.

§ 446-25. Costs and fees; forfeiture.

The fee for mowing or removal of noxious weeds, grasses or brush by the City's Weed Commissioner or Weed Commissioner's designee shall be no less than \$500 in each instance of any such expended labor. Any time spent on a property in excess of three hours shall be billed at the rate of \$250 per hour. In the event that City equipment is damaged while mowing or otherwise applying an effort to bring property into compliance with this article, the cost to repair the equipment shall be added to the bill. If such fees and/or costs are not paid by November 15 of the year in which they are billed, an administrative fee equal to 10% of the actual cost shall also be charged to the property owner. In the event of nonpayment thereafter, all such charges, costs and fees shall be placed on the tax roll pursuant to § 66.0627, Wis. Stats. The owner of such premises shall also be subject to a forfeiture for violation of this article.

City of Lake Mills, WI
Monday, June 20, 2022

Chapter 271. Brush, Grass and Weeds

[Adopted by the City Council of the City of Lake Mills 4-5-2005 by Ord. No. 949 (Title 4, Ch. 4, of the 2009 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. **479**.

Streets and sidewalks — See Ch. **573**.

§ 271-1. Mowing requirements.

No owner of property within the City shall permit to grow or pollinate upon the owner's property any noxious weeds or grasses which may cause hay fever in human beings, produce unpleasant or noxious odors, conceal filthy deposits or provide a place for the accumulation of trash or litter. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon the owner's property all grasses or weeds exceeding eight inches in height, unless that property is exempt under the provisions listed in the next section.

§ 271-2. Exempt properties.

A. Properties exempt from the mowing requirement in § **271-1** are the following:

- (1) Vacant improved lots, unless an existing house abuts the vacant lot. However, in the case of this exemption, the grasses and weeds shall be mowed to a height not exceeding 12 inches. An improved vacant lot is a lot that has the necessary infrastructure that would allow for development, but has not yet been developed.
- (2) Vacant, unimproved lots that are in remote locations, except the mowing requirements listed for vacant improved lots shall apply.
- (3) Lands that are zoned or mapped as wetlands.
- (4) Lands that are located in designated, environmentally sensitive areas.
- (5) Lands that are considered to be rough, wet or wild by the Facilities and Grounds Director. [Amended 8-3-2021 by Ord. No. 1226]
- (6) Lands used for agricultural purposes and that are subject to only one seasonal harvest.
- (7) Lands subject to government programs, such as a state forest land management program or a crop set-aside program for agricultural lands.
- (8) Natural landscapes approved by the Weed Commissioner.

B. The Weed Commissioner may require a mowed or maintained buffer zone of a minimum of three feet between exempted property and adjoining properties. This requirement may be enforced by using the same procedures to enforce the mowing requirement of this chapter.

§ 271-3. Noxious weeds and grasses.

Noxious weeds and grasses are defined as and shall include any and all weeds and other vegetation prohibited by Wis. Stats. § 66.0407, or which have been designated by the City herein:

Common Name(s)	Latin Name(s)
Canada thistle	Cirsium arvense
Leafy spurge	Euphorbia esula
Field bindweed (Creeping Jenny)	Convolvulus arvensis

§ 271-4. Enforcement.

[Amended 8-3-2021 by Ord. No. 1226]

Upon written complaint by an adjoining property owner, the Weed Commissioner, who shall also be the Facilities and Grounds Director, and who shall have the powers established herein and under Wis. Stats. § 66.0517, may enforce the mowing requirement of this chapter. All enforcement is to be commenced by mailing or serving the property owner with a notice of violation that orders the property owner to mow the noxious weeds or grasses within seven calendar days from receipt of the notice. In addition, the Commissioner has authority to make his own determination that a notice of violation should be provided to the property owner, absent a written complaint by an adjoining property owner.

§ 271-5. Mowing by City.

[Amended 12-18-2012 by Ord. No. 1103]

If any person shall fail to comply with the written order, the Weed Commissioner may cause the property to be mowed and report the cost thereof in writing to the Treasurer in the manner provided in Wis. Stats. § 66.0517. Such costs shall be placed on the tax roll and charged against the property as a special tax to be collected in the same manner as other taxes, unless the property is exempt from taxation.

§ 271-6. Nuisance or invasive weeds and grasses.

In addition to the requirement that properties be mowed to prevent the growth or pollination of noxious weeds and grasses, the City Council deems it to be in the interest of the general welfare of the public to regulate nuisance or invasive weeds and grasses in accordance with the following provisions:

- A. Nuisance or invasive weeds and grasses are defined as those non-indigenous species or strains that tend to replace native vegetation by establishing themselves in natural plant communities and wild areas. Nuisance or invasive weeds and grasses include, but may not be limited to, the following:

Common Name(s)	Latin Name(s)
Burdock (Yellowdock)	Arctium lappa
Garlic mustard	Alliaria petiolata
Goatsbeard (oyster plant)	Tragopogon porrifolius
Marijuana	Cannabis sativa
Nettle	Urtica dioica
Oxeye daisy	Chrysanthemum leucanthemum
Pigweed (lamb's quarters)	Chenopodium album
Poison ivy	Rhus radicans
Purple loosestrife	Lythrum salicaria

Common Name(s)	Latin Name(s)
Quackgrass	Bromus brizaeformis
Ragweed (common)	Ambrosia artemisiifolia
Ragweed (great)	Ambrosia trifida
Spotted knapweed	Centaurea maculosa
Thistle bull	Cirsium vulgare
Thistle must or nodding	Carduus nutans
Thistle star (caltrops)	Centaurea calcitrapa
Thistle sow (field)	Sonchus arvensis
Thistle sow (common)	Sonchus oleraceus
Thistle sow (spiny leaved)	Sonchus asper

- B. The Weed Commissioner is authorized to add other weeds and grasses to the list of nuisance weeds and grasses when he deems the designation to be appropriate, given the prevalence and severity of the invasiveness of nonindigenous species not so designated upon passage of this chapter.

§ 271-7. Complaints of nuisance or invasive weeds and grasses.

Upon a written complaint by any adjoining property owner or by the Weed Commissioner's own determination, the Commissioner may inform the property owner of the complaint or determination and provide written, educational materials to the property owner regarding the harms likely to occur through the growth and proliferation of nuisance or invasive weeds and grasses. In the case of rough, wet or wild areas that have a proliferation of invasive or nuisance weeds or grasses, the Commissioner may order the property owner to provide a buffer zone of three feet between the invasive or nuisance weeds and grasses and any adjoining property. Said order may be provided in the same manner as are orders to enforce the mowing requirement for noxious weeds and grasses.

*City of Jefferson, WI
Monday, June 20, 2022*

Chapter 219. Property Maintenance

Article II. Natural Landscape Management

[Adopted 2-1-2005 by Ord. No. 1-05]

§ 219-8. General provisions.

"Natural landscape" as used in this article shall include common species of grass and wildflowers native to Wisconsin and/or ornamental plantings, which are designed and purposely cultivated to exceed eight inches in height. Specifically excluded in natural landscapes are the noxious grasses and weeds identified in this article and in Chapter **197**, Nuisances, § **197-6F** of this Code. The growth of natural landscapes in excess of eight inches in height shall be prohibited within the City, unless a natural landscape management plan is approved and a permit is issued by the City as set forth in this article.

§ 219-9. Natural landscape management plan.

- A. "Natural landscape management plan" as used in this article shall mean a written plan relating to the management and maintenance of a landscape which meets the following requirements:
- (1) Proposed natural landscape is being requested.
 - (2) A statement of intent and purpose for the landscape.
 - (3) A detailed description of the types of plants and plant succession involved.
 - (4) Specific management and maintenance techniques to be employed.
 - (5) Proposed landscaping is to be confined to property owned by the applicant according to current City Assessor's records.
 - (6) Natural landscaping on any City-owned property within any street right-of-way is strictly prohibited. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.
 - (7) Natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.
 - (8) The property owner shall submit to the Plan Commission a drawing, plot plan and/or survey which will show the location of the natural landscape area on the applicant's property.
 - (9) In addition to those identified in Chapter **197**, Nuisances, § **197-6F** of this Code, the following noxious grasses or weeds will not be allowed in a natural landscape area:

Common Name(s)

Buckthorn

Latin Name(s)

Rhamnus Cathartica

Common Name(s)	Latin Name(s)
	Rhamnus Frangula
Burdock (Yellowdock)	Artium Lappa
Field Bindweed (Wild Morning Glory)	Convolvulus Arvensis
Garlic Mustard	Alliaria Petiolata
Goatsbeard (Oyster Plant, Salsify)	Tragopogon Porrifolius
Leafy Spurge	Euphorbia Esula
Marijuana	Cannabis Sativa
Nettle	Urtica Dioica
Oxeye Daisy	Chrysanthemum Leucanthemu
Pigweed (Lambs Quarters)	Chenopodium Album
Pigweed (Amaranth)	Amaranthus Retroflexus
Poison Ivy	Rhus Radicans
Purple Loosestrife	Lythrum Salicaria
Quackgrass	Bromus Brizaeformis
Ragweed (Common)	Ambrosia Artemisifolia
Ragweed (Great)	Ambrosia Trifida
Spotted Knapweed	Centaurea Maculosa
Thistle Bull	Cirsium Vulgare
Thistle Canada	Cirsium Arbenese
Thistle Musk or Nodding	Carduus Nutans
Thistle Star (Caltrops)	Centaurea Calicitraba
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket Winter Cress)	Barbarea Vulgaris
Japanese Bamboo	
Wild Mustard	

- B. Property owners who currently have natural landscapes must file for a permit and submit a plan as to be covered by this article.
- C. Natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Street Department Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the natural landscape within three days upon receiving a written letter from the City of Jefferson's Weed Commissioner.

§ 219-10. Landscape Committee.

The Mayor, subject to the approval of the Common Council, shall appoint a Landscape Committee consisting of three persons who have expertise in the area of natural landscapes. The initial Committee members shall be appointed for one-, two- and three-year terms respectively, and thereafter all Committee persons shall be selected to serve for a three-year term.

§ 219-11. Application for permit.

Property owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Street Department, attention Weed Commissioner. All plans received will be reviewed by the Weed Commissioner and the Landscape Committee for permit approval. The property owner will be notified in writing by the City of Jefferson of approval or denial. If no notification is received within 45 days of the property owner's initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Street Department Weed Commissioner's office for future reference.

§ 219-12. Appeal.

The property owner may appeal a decision to deny or revoke the natural landscape permit request to the Board of Zoning Appeals at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural landscape management plan. The decision rendered by the Board of Zoning Appeals shall be final and binding.

§ 219-13. Enforcement.

Enforcement will be upon written complaint by at least one adjoining owner and filed with the Jefferson Weed Commissioner. Upon receipt of a written complaint, the permitted property will be inspected by the Landscape Committee. If permitted property is determined to be in violation of this article, the property owner shall be notified by the Landscape Committee and City of Jefferson Weed Commissioner by written notice to correct specific violations within 15 days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the City of Jefferson shall order the property mowed and property owner will be billed, at the current rate for every hour worked, and the permit shall be revoked. In addition, the property owner may be subject to a penalty as provided in Chapter 1, Article I of this Code.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

General Information

Municipal Code: 476.10, “**PLANT AND WEED CONTROL**”.

It is declared a nuisance for any person to allow or permit any weeds, such as jimson, burdock, ragweed, thistle, cocklebur or other weeds, to grow in any lot or tract of land, No person shall allow weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height in excess of 6” anywhere in the City. No person shall plant or allow the growth of the barberry bush or its horticultural varieties within the City.

Under the direction of the Director of Public Works, the city enforces ordinance 476.10 – Plant and Weed Control for unsightly growth. Failure to cut your grass and or weeds in excess of six (6) inches will result in City crews completing the work after giving a seven day written notice on properties with buildings. Property owners will be invoiced based on the amount of equipment and labor time required to complete the work.

The 2018 minimum charge of \$120.00 was invoiced to each property owner that was maintained by the City.

To report properties of noncompliance, residents can call 920-322-3540.

*City of Jefferson, WI
Monday, June 20, 2022*

Chapter 219. Property Maintenance

Article II. Natural Landscape Management

[Adopted 2-1-2005 by Ord. No. 1-05]

§ 219-8. General provisions.

"Natural landscape" as used in this article shall include common species of grass and wildflowers native to Wisconsin and/or ornamental plantings, which are designed and purposely cultivated to exceed eight inches in height. Specifically excluded in natural landscapes are the noxious grasses and weeds identified in this article and in Chapter **197**, Nuisances, § **197-6F** of this Code. The growth of natural landscapes in excess of eight inches in height shall be prohibited within the City, unless a natural landscape management plan is approved and a permit is issued by the City as set forth in this article.

§ 219-9. Natural landscape management plan.

- A. "Natural landscape management plan" as used in this article shall mean a written plan relating to the management and maintenance of a landscape which meets the following requirements:
- (1) Proposed natural landscape is being requested.
 - (2) A statement of intent and purpose for the landscape.
 - (3) A detailed description of the types of plants and plant succession involved.
 - (4) Specific management and maintenance techniques to be employed.
 - (5) Proposed landscaping is to be confined to property owned by the applicant according to current City Assessor's records.
 - (6) Natural landscaping on any City-owned property within any street right-of-way is strictly prohibited. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.
 - (7) Natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.
 - (8) The property owner shall submit to the Plan Commission a drawing, plot plan and/or survey which will show the location of the natural landscape area on the applicant's property.
 - (9) In addition to those identified in Chapter **197**, Nuisances, § **197-6F** of this Code, the following noxious grasses or weeds will not be allowed in a natural landscape area:

Common Name(s)

Buckthorn

Latin Name(s)

Rhamnus Cathartica

Common Name(s)	Latin Name(s)
Burdock (Yellowdock)	Rhamnus Frangula
Field Bindweed (Wild Morning Glory)	Artium Lappa
Garlic Mustard	Convolvulus Arvensis
Goatsbeard (Oyster Plant, Salsify)	Alliaria Petiolata
Leafy Spurge	Tragopogon Porrifolius
Marijuana	Euphorbia Esula
Nettle	Cannabis Sativa
Oxeye Daisy	Urtica Dioica
Pigweed (Lambs Quarters)	Chrysanthemum Leucanthemu
Pigweed (Amaranth)	Chenopodium Album
Poison Ivy	Amaranthus Retroflexus
Purple Loosestrife	Rhus Radicans
Quackgrass	Lythrum Salicaria
Ragweed (Common)	Bromus Brizaeformis
Ragweed (Great)	Ambrosia Artemisifolia
Spotted Knapweed	Ambrosia Trifida
Thistle Bull	Centaurea Maculosa
Thistle Canada	Cirsium Vulgare
Thistle Musk or Nodding	Cirsium Arbenese
Thistle Star (Caltrops)	Carduus Nutans
Thistle Sow (Field)	Centaurea Calicitrappa
Thistle Sow (Common)	Sonchus Arvensis
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Sweet Clover (Yellow)	Sonchus Asper
Sweet Clover (White)	Melilotus Officinalis
Yellow Mustard (Yellow Rocket Winter Cress)	Melilotus Alba
Japanese Bamboo	Barbarea Vulgaris
Wild Mustard	

- B. Property owners who currently have natural landscapes must file for a permit and submit a plan as to be covered by this article.
- C. Natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Street Department Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the natural landscape within three days upon receiving a written letter from the City of Jefferson's Weed Commissioner.

§ 219-10. Landscape Committee.

The Mayor, subject to the approval of the Common Council, shall appoint a Landscape Committee consisting of three persons who have expertise in the area of natural landscapes. The initial Committee members shall be appointed for one-, two- and three-year terms respectively, and thereafter all Committee persons shall be selected to serve for a three-year term.

Sec. 46-3. - Affecting health.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of section 46-1:

- (1) *Adulterated food.* All decayed, harmfully 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 is not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) *Breeding places for vermin, and rotting or decaying materials.* 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 insects can multiply.
- (5) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not fly-tight.
- (6) *Destruction of noxious weeds and cutting of grass and shrubbery.*
 - a. *Notice.* The parks and forestry supervisor shall annually, on or before May 15, publish as required by state law a notice that every person is required by law to destroy all noxious weeds and cut grass and shrubbery on lands in the city which he or she owns, occupies, or controls. A joint notice with other towns or municipalities may be utilized.
 - b. *Noxious weeds, grass, and shrubbery defined.* 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 and grass in excess of six inches in height from the ground surface shall be prohibited within the city corporate limits. Noxious weeds, grass, and shrubbery shall include any weed, grass, shrubbery, 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, or such other growth necessary to prevent an unkempt appearance of the premises, or be allowed to deteriorate to such a condition as to be a seriously blighting influence on the surrounding property or neighborhood.
 1. "Noxious weeds", as defined in this section and which relate to section 42-106, regulation of natural lawns, 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 vulgaries (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)

2. "Noxious grasses", as defined in this section and which relate to section 42-106, regulation of natural lawns, shall include but not be limited to the following:

Agrostia alba (Redtop)
 Dactylis glomerata (Orchard)
 Phleum pratensis (Timothy)
 Sorghum halepense (Johnson)
 Setaria (Foxtail)

c. *Improper growth of weeds, grasses, and shrubbery nuisance.*

1. It shall be a public nuisance and therefore unlawful for any owner, lessee, or occupant, or any agent, servant, representative, or employee of any such owner, lessee or occupant having charge or control of any lot located within the city corporate limits to permit or maintain any growth of noxious weeds, grass, and/or lawns over six inches in height from the ground or to keep any unkempt shrubbery except for property located in a designated floodplain area and/or wetland area.
2. "Owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot.

d. *Notice; removal.* The parks and forestry supervisor shall serve as the city's weed commissioner. It shall be the duty of the parks and forestry supervisor or his or her designated agent to serve or cause to be served a notice upon the owner, and lessee, or occupant or any agent, servant, representative, or employee of any such owner, lessee, or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within 48 hours from the date thereof. Such notice shall be sent by the city through door hangers

placed on the front door of the occupied premises and through letter mailed to the property owner. Notification will be made only on the first offense annually, any reoccurring violations during said growing season may be abated by the enforcement officer as such offense shall be charged to and paid by such property owner.

e. *Abatement after notice.*

1. If the person so served with a notice of public nuisance violation does not abate the nuisance within 48 hours, the enforcement officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Expenses shall also include administrative fees for each notification incurred of \$25.00, in addition to the administrative fees that follow:

First offense\$0.00

Second offense100.00

Third offense200.00

Fourth offense400.00

The administrative fees will be assessed regardless if the owner abates the public nuisance. Notice of the bill for abatement of the public nuisance and/or the administrative fees shall be mailed to the owner of the premises and shall be payable within ten calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the parks and forestry supervisor shall enter those charges onto the tax roll as a special tax as provided by the state statutes.

2. The failure of the parks and forestry supervisor to record such claim or mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the city expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this section.

f. *Exemption.* All city parks and large parcel commercial lots out of residential areas that support agricultural crops and are regularly maintained and limit noxious or rank growth to eight inches are exempt.

(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.* 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 stench 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 city.

- (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 city.
- (10) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the city limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the city. Such air pollution rules as may be established by state law or administrative regulation shall be complied with.

(Code 2001, § 10.03; Ord. No. 44-2005, § I, 12-5-2005; Ord. No. 47-2005, § I, 1-16-2006; Ord. No. 39-2006, § I, 6-5-2006; Ord. No. 9-2007, § I, 5-7-2007; Ord. No. 6-2018, § I, 5-21-2018)

Cross reference— Regulation of natural lawns, § 42-106.

Sec. 42-106. - Regulation of natural lawns.

- (a) *Natural lawns defined.* "Natural lawn", as used in this section, shall include common species of grass and wild flowers native to North America, which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in section 46-3(6). The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the city corporate limits unless a natural lawn management plan is approved and a permit is issued by the parks, recreation, forestry and health committee as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) *Natural lawn management plan defined.*
- (1) "Natural lawn management plan", as used in this section, shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved; and the specific management and maintenance techniques to be employed.
 - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the city. "Property owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot according to most current city records. Natural lawn management plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any city-owned property including street right-of-way. This shall include, also at a minimum, a strip not less than three feet behind public sidewalk, if one exists, whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the lawn management plan.
 - (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the parks and recreation director by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the city shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten-foot section abutting the neighboring property owner. The city shall revise the approved natural lawn management permit accordingly. The owner of the approved natural lawn shall be required to remove the ten-foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the city

provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the city between November 2 and April 30 shall be required to remove the ten-foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) *Application process.*

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the city. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a \$50.00 nonrefundable filing fee will be assessed by the city. Upon receiving payment, copies of the completed application shall be mailed by the city to each of the owners of record, as listed in the office of the city assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners, the parks and recreation director receives written objections from 51 percent or more of the neighboring property owners, the parks and recreation director shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site.
- (2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51 percent of the neighboring property owners provide written objections, the parks and recreation director shall issue permission to install a natural lawn.

(d) *Application for appeal.* The property owner may appeal the parks and recreation director's decision to deny the natural lawn permit request to the parks, recreation, forestry and health committee at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the parks, recreation, forestry and health committee shall be final and binding.

(e) *Safety precautions for natural grass areas.*

- (1) When in the opinion of the fire chief, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions the fire chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit the property owner shall be required to cut the natural lawn within the three days upon receiving written direction from the fire chief.
- (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the lawn management plan. The fire chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public

safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the fire chief. The fire chief shall establish a written list of requirements for considering each request to burn natural lawns thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the city as a party insured. A minimum amount of acceptable insurance shall be \$300,000.00.

- (f) *Revocation of an approved natural lawn management plan permit.* The parks and recreation director upon recommendation of the mayor, 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 permit shall be appealable to the parks, recreation, forestry and health committee. All applications for appeal shall be submitted within 15 calendar days of receipt of the written notice of intent to revoke the approved natural lawn management plan. Failure to file an application for appeal within 15 calendar days shall result in the revoking of the natural lawn management plan permit. All written applications for appeal filed within the 15 calendar day requirement shall be reviewed by the parks, recreation, forestry and health committee in an open meeting. The parks, recreation, forestry and health committee shall make a recommendation to the common council. The decision rendered by the common council shall be final and binding.
- (g) *Public nuisance defined; abatement after notice.*
- (1) The growth of a natural lawn as defined in this section shall be considered a public nuisance unless a natural lawn management plan has been filed and approved and a permit is issued by the city as set forth in this section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
 - (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten days, the enforcement officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the parks and recreation director shall enter those charges onto the tax roll as a special tax as provided by state statute.
 - (3) The failure of the parks and recreation director to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the city expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this section.
- (h) *Penalty.*

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in section 42-1.
- (2) In addition to any penalties herein provided, the city may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

(Ord. No. 45-2005, § I, 1-16-2005; Ord. No. 38-2006, § I, 6-5-2006)