

WILD AND EXCESSIVE GROWTH - OVERGROWN LAWN AND GRASSES

This Ordinance 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 Town of Sugar Creek.

A public nuisance declared.

After multiple and constant complaints, the Town Board of the Town of Sugar Creek finds that lawns, grasses and noxious weeds on residential parcels or that surround residential sites on lands zoned otherwise or unbuilt residential parcels of land, which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen, seeds, burrs and other discomforting bits, constitute a fire hazard, provide a haven for rodents and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affects property values of other land within the Town. For that reason, any lawn, grass or weed on a residential lot or other residential parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance. Nothing in this ordinance is intended to interfere with common agricultural or horticultural practices in the Town of Sugar Creek, but does apply to the apron of lawn surrounding any farm house on agriculturally zoned land.

Nuisances prohibited.

No person, firm or corporation shall permit any public nuisance as defined in Chapter 823 of Wisconsin Statutes to remain on any residential premises owned or controlled in the Town of Sugar Creek.

Inspection.

Upon complaint to the Town, the Weed Commissioner shall inspect or cause to be inspected the residence complained about, to determine whether there exists any public nuisance related to lawns, grasses and/or noxious weeds.

The following residential areas are exempt:

1. Areas shown on Town, County, City, Regional Planning Commission, state or federal wetland, flood plain maps or environmental corridor maps;
2. Areas approved in writing by the Town;
3. Areas larger than one acre in size, except areas which are within one hundred feet of a developed lot.

Abatement of nuisance.

1. If the Weed Commissioner shall determine with reasonable certainty that any public nuisance exists, he shall immediately cause written notice to be served that the Town proposes to have the lot grass or lawn cut so as to conform with this division, including the procedures under this ordinance. The Weed Commissioner shall allow at least 48 hours of time to pass to encourage owner compliance, before the mowing is scheduled by the Town.

2. The notice shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant.

Due process hearing.

If the owner believes that his lawns, grasses and/or weeds are not a nuisance, he may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town clerk's office within the 24 hours set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$200.00 fee in the Town Clerk's office. If a decision is rendered in the property owner's favor, the fee will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the per diem cost of Town Board appearance, mailing costs attorney fees and other costs.

When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held at a Town Board meeting. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross examine witnesses presented by the Town, A well tended Natural lawn may be a defense to a public nuisance allegation. Natural lawn means 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.

At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner to

mow the property and abate the public nuisance in question unless the property has been mowed by the owner within 48 hours of the Town Board's decision.

If the owner does not abate the nuisance within the described 48 hours, the Weed Commissioner shall cause the same nuisance to be cut and abated and costs charged to the owner as described below.

Town 's abatement of nuisance.

In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, and/or does not request a hearing, then, the Town may elect to cut or cause to be cut said lawn, grass or weeds as follows:

If the Town shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing to the owner. The Town charge for such mowing shall be assessed at the rate of \$1.00 per front foot of unmowed lot, plus the actual cost of mowing the lot. The charges shall be set forth in a statement to the Town Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. The cost per front foot of lawn is meant to reflect the cost of Clerks time in handling this matter, the costs paid for the mileage of the Weed Commissioner and the mailing and associated costs in handling this matter. If said statement is not paid in full within 60 days thereafter, the Town Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Wis. Stats. §§66.0907(3)(e), 66.0907(3)(f) and under the authority of §823.06.

Town's Abatement without due process hearing

1. If the person is served with a notice of public nuisance violation under this division does not abate the nuisance within 48 hours, and does not request a hearing, the enforcement officer may proceed to abate such nuisance, and charge for such mowing shall be assessed at the rate of \$1.00 per front foot of unmowed lot, plus the actual cost of mowing the lot. 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 Town Clerk shall enter those charges onto the tax roll as a special tax as provided by state statute.


2. The failure of the Town Clerk 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 Town expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this division.

3. In addition to any penalties herein provided, the Town Building Inspector may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this division.

Passed and adopted by the Town Board of the Town of Sugar Creek, Walworth County, Wisconsin, this 15th day of September, 2008



Gary Wallen, Chairman



Carl Rieken, Supervisor II

ATTEST:



Diane Boyd, Town Clerk