

ORDINANCE NUMBER 00-04

TOWN OF BLOOMING GROVE
DANE COUNTY, WISCONSIN

AN ORDINANCE RELATING TO THE REGULATION OF
LAWNS AND GRASSES

The Town Board of the Town of Blooming Grove, Dane County, Wisconsin, does hereby ordain as follows:

Section 1. Sec. 6.03 of the Code of Ordinances is created to provide as follows:

Sec. 6.03 Regulation of Lawns and Grasses.

- (1) **Public Nuisance Declared.** The Town finds that lawns, grasses, and weeds on platted, non-agricultural, non-conservancy land that exceed 6 inches in length can emit pollen and other plant parts that can cause discomfort, can constitute a fire hazard, can constitute a safety hazard when debris is hidden in grasses or weeds, can interfere with public convenience, can adversely affect the value of other land, and can adversely affect the health and safety of the public. For these reasons, any lawns, grasses, or weeds on platted, non-agricultural, non-conservancy land that exceeds 6 inches in length is hereby declared to be a public nuisance, regardless of whether the land is used for commercial or residential purposes, except for lawns, grasses, or weeds on land within the designated floodplain area and/or wetland area.
- (2) **Nuisance Prohibited.** No person may permit the type of public nuisance described in subsection (1) to exist on any land owned or controlled by that person.
- (3) **Weed Commissioner.** Any action that may be taken by the Weed Commissioner under this section may also be taken by a duly authorized designee of the Weed Commissioner.
- (4) **Inspection.** The Weed Commissioner is authorized to make one or more inspections of land to determine whether any public nuisance as described in subsection (1) exists. The Weed Commissioner is authorized to obtain a special inspection warrant pursuant to secs. 66.122 and 66.123, Stats.
- (5) **Notice of Public Nuisance.**
 - (a) If the Weed Commissioner determines that a public nuisance as described in subsection (1) exists, he or she shall cause a written notice to be delivered to any person in violation of subsection (2). The Weed Commissioner has the option to deliver the notice by regular mail or by personal service. The notice is effective upon mailing or personal service. The notice shall state that:

- (i) The Weed Commissioner has determined that public nuisance as described in subsection (1) exists on certain land.
 - (ii) The person or persons who own or control the land must abate the public nuisance within 7 days of the date the notice is mailed or personally served.
 - (iii) In the event the person or persons who own or control the land do not abate the public nuisance, the Town may abate the public nuisance and the cost of such abatement may be specially charged against the land as allowed by law.
- (b) A copy of this section shall be attached to the notice.

(6) **Hearing.** If a person who is given notice under subsection (5) contends that the lawns, grasses, and/or weeds do not constitute a nuisance as described in subsection (1), that person may request a hearing before the Town Board within 5 days of the effective date of the notice. If such a hearing is requested, such hearing shall be held within 30 days from the date of the request. At the close of the hearing, the Town Board shall determine whether the Weed Commissioner's notice was delivered to one of the persons who owns or controls the land and whether a public nuisance as described in subsection (1) exists. If the Town Board determines that the Weed Commissioner's notice was delivered to one of the persons who owns or controls the land and that such a public nuisance does exist, the public nuisance must be abated by the person or persons who own or control the land within 5 days of the Town Board's determination. If the public nuisance is not abated within such 5-day period, the Weed Commissioner may cause the public nuisance to be abated, and all costs incurred to abate the public nuisance may be specially charged against the land as allowed by law.

(7) **Town's Option to Abate Nuisance.** If no hearing is requested and the public nuisance is not abated within 7 days of the effective date of the notice, the Weed Commissioner may cause the public nuisance to be abated, and all costs incurred to abate the public nuisance may be specially charged against the land as allowed by law.

(8) **Forfeiture.** In addition to the abatement procedures described in this section, in the event a violation of this section is not corrected within the 7-day correction period, or the 7-day correction period allowed pursuant to a hearing under subsection (6), each person found guilty of such a violation shall forfeit not less than \$25.00 nor more than \$200.00 for each violation, plus costs, fees, penalties, assessments, surcharges and other charges that are or can be imposed by state law. **Each day a violation occurs or exists after the effective date of the notice shall be considered a separate violation.**

Section 2. This Ordinance shall take effect the day after passage and publication, pursuant to law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Blooming Grove at its meeting held on the 10th day of November, 2009.

APPROVED:

TOWN OF BLOOMING GROVE

By _____
Dwight Johnson, Chair

ATTEST:

Michael J. Wolf, Clerk

Approved: November 11, 2009
Published: November 12, 2009