

**Minutes of the Village Board Meeting  
November 12, 2012 at 6:30 p.m.  
Village Hall Board Room**

**Call to Order**

Village President Burt R. McIntyre called the meeting to order at 6:30 p.m.

**Roll Call**

Present: Burt R. McIntyre, Village President; Jim Widiger, Trustee Wards 3 & 4; Cathy Hughes, Trustee 5 & 6; George Speaker, Trustee Wards 7 & 8; Jim Lemorande, Trustee Wards 9 & 10; Ray Suennen, Trustee Wards 11 & 12; David Steffen, Trustee Wards 13-14 & 18; Dan Deppeler, Trustee Wards 15-17

Excused: Ron Bredael, Trustee Wards 1 & 2

Also (staff): Paul Evert, Dave Wiese, Geoff Farr, Mike Kaster, Leigh Ann Wagner Kroening

**The Board recited the Pledge of Allegiance.**

**Approve Agenda**

C. Hughes moved to approve the agenda. G. Speaker seconded the motion. **The motion carried unanimously.**

**Recognition of Tilly Family**

P. Evert presented Jerry Tilly, on behalf of the Tilly Family, a Certificate of Appreciation for the donation of several historical photos that are displayed at Village Hall.

**Public Appearances**

None.

**Future Agenda Items**

None.

**Communications**

J. Widiger motioned to accept and file the Certificate of Appreciation from the Bluebird Restoration Association of Wisconsin, a thank you letter from County Executive Troy Streckenbach for supporting FIS at Austin Straubel Airport, and the vote count from the Nov. 6, 2012 General Election. C. Hughes seconded. **The motion carried unanimously.**

**Consent Agenda**

G. Speaker motioned to approve the consent agenda. J. Widiger seconded. **The motion carried unanimously.** The following items were approved as part of the consent agenda:

**Tree Board meeting minutes from Oct. 15, 2012**

**Village Board meeting minutes from Oct. 22, 2012**

**Board of Appeals meeting minutes from Oct. 23, 2012**

**Community Development Authority meeting minutes from Nov. 7, 2012**

**Municipal Invoices paid with checks #216789 - 216885 and totaling \$413,236.29**

**Operators Licenses for the following individuals:**

- i. Natalie K. DeKeyser
- ii. Joseph Karpenko
- iii. Melanie L. Kunzer
- iv. Chelsea L. Rouse
- v. Galen G. Sherbon
- vi. Marie E. Smith

**Brown County contract  
For police services**

P. Evert reported on the agreement with Brown County for police services. R. Suennen motioned to approve the contract. D. Steffen seconded. **The motion carried unanimously.**

**Ambulance contract  
With County Rescue**

P. Evert reported on the agreement with County Rescue for ambulance services. D. Steffen motioned to approve the agreement with County Rescue. J. Widiger seconded. **The motion carried unanimously.**

**CBCWA utility relocation  
reimbursement**

G. Farr reported on Resolution 2012-21 requesting legislation to amend Wis. Stat. 84.295 to extend the provision of utility relocation reimbursement payments to facilities owned by the Central Brown County Water Authority. J. Widiger motioned to approve Resolution 2012-21. G. Speaker seconded. **The motion carried unanimously.**

**GGSG Recommendation  
For Natural Landscaping**

G. Farr reported on the recommendation from the Go Green Save Green Committee to adopt an ordinance to allow alternative natural landscaping for yards and lawns. The board discussed the need for more information. The consensus was that staff should work with the GGSG committee to gather feedback from other communities that have natural landscaping ordinances in place, and the committee should draft a plan for how to implement the ordinance if it is approved.

**Purchase of narrow band  
Radio equipment**

G. Farr reported on the bids for narrow band radio equipment for the Public Works staff. J. Widiger motioned to accept the bid from Nielson Communications for \$36,728. G. Speaker seconded. **The motion carried unanimously.**

**Special assessments for  
Greenfield and Shawano**

M. Kaster reported on Preliminary Resolution 2012-22 declaring the intent to exercise special assessment powers under Wisconsin Statute Section 66.0701 upon Greenfield Avenue and Shawano Avenue. G. Speaker motioned to approve. C. Hughes seconded. **The motion carried unanimously.**

**Special assessments for  
Evergreen, Mighty Oak,  
And Copper Oak Circle**

M. Kaster reported on Preliminary Resolution 2012-23 declaring the intent to exercise special assessment powers under Wisconsin Statute

Section 66.0701 upon Evergreen Avenue, Mighty Oak Trail and Copper Oak Circle. D. Deppeler motioned to suspend the rules to hear from the audience. J. Lemorande seconded. *The motion to suspend the rules carried unanimously.*

Mark Prust, 3834 Evergreen Ave., spoke against the special assessments. Dave Kozicki, another affected property owner, also spoke against the special assessments.

G. Speaker motioned to return to regular order. J. Lemorande seconded. *The motion to return to regular order carried unanimously.*

C. Hughes motioned to approve Preliminary Resolution 2012-23. R. Suennen seconded. **The motion carried unanimously.**

**Industrial Park ditch  
Dredging contract**

M. Kaster reported on the bid for ditch dredging within the Industrial Park. D. Steffen motioned to award the Industrial Park Ditch Dredging Contract to RC Excavating in the amount of \$51,145.00, contingent upon attorney review of the contracts. R. Suennen seconded. **The motion carried unanimously.**

**2013 Budget Discussion**

P. Evert discussed the proposed 2013 budget, which includes transferring funds back into the road resurfacing fund, increasing Fire Department staffing, and shifting an additional \$87,000 from the general fund tax levy for Public Fire Protection as a direct charge. No action was taken. **The motion carried unanimously.**

**Community Development  
Report**

D. Wiese discussed the October 2012 Building Activity Report.

**Closed session**

C. Hughes motioned to go into closed session. G. Speaker seconded. **The motion carried unanimously, and the board convened to closed session at 8:09 p.m.**

**Open session**

J. Widiger motioned to return to open session. R. Suennen seconded. **The motion carried unanimously, and the board re-convened to open session at 8:20 p.m.**

**Purchase agreement  
With 0000 LLC**

R. Suennen motioned to approve the purchase agreement with 0000 LLC for the property located at 2014 Glendale Ave., VH-353. B. McIntyre seconded. **The motion carried unanimously.**

**Adjournment**

G. Speaker motioned to adjourn. C. Hughes seconded. **The motion carried unanimously, and the board adjourned at 8:21 p.m.**

Respectfully submitted,

Leigh Ann Wagner Kroening  
Administrative Assistant



**Meeting:** Village Board  
**Meeting Date:** 11/12/12  
**Agenda Item:** #6d

**Mission Statement**  
Delivering quality services in a courteous,  
cost-effective and efficient manner.

## VILLAGE BOARD MEETING STAFF REPORT

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**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REPORT FROM:** Geoffrey S. Farr, PE, Director of Public Works

**AGENDA ITEM:** Review and discuss a recommendation from the Go Green Save Green Committee to adopt an ordinance allowing natural landscaping for yards and lawns

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### **POLICY ISSUE**

Does the Village Board want staff to develop an ordinance for native landscaping for yards and lawns?

### **BACKGROUND INFORMATION**

The Go Green Save Green Committee has reviewed several ordinances that would allow the use of native plants, flowers, grasses, shrubs and trees to be utilized in place of a traditional lawn. The use of native landscapes is desirable because it can be economical, low maintenance and be effective in soil and water conservation. Secondly native landscaping, according to some, adds to the richness and quality of life. Native landscaping, as compared to traditional lawns:

- minimizes the amount of turf grass in a yard,
- thereby reduces carbon emissions,
- encourages onsite reuse of plant material,
- reduces municipal costs for processing waste grass and leaves,
- reduces soil compaction,
- increases water infiltration,
- reduces soil loss and nutrient and pollutant runoff,
- improves the base flow to creeks, streams and rivers, and
- creates a more sustainable Village.

A reasonable level of maintenance would still be required, and prohibitions on uncontrolled growth of turf grass and noxious weeds would remain in place.

Typically this type of ordinance could require a plan submittal and identification of specific management and maintenance techniques to be employed or could have plants or elements that are automatically acceptable. A native landscape plan could be registered or permitted and could require periodic renewal. The plan would likely need to comply with setbacks from property lines and buildings, be limited to maximum size or percentage of lot area, etc.

Being a private property matter, development of an ordinance and subsequent management should be handled by the Community Development and the Building inspection department.

**PRIOR ACTION/REVIEW**

None

**FISCAL IMPACT:**

- |                              |            |
|------------------------------|------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>No</u>  |
| 3. If Budgeted, Which Line?  | <u>N/A</u> |
| 4. Amount?                   | <u>N/A</u> |

**RECOMMENDED ACTION**

Village staff recommends that the Village Board review the attached example ordinances and direct if staff should prepare an ordinance for further review and discussion.

If the Village Board agrees with this action, the following motion could be used, *“Motion to direct staff to draft natural landscaping regulations for further review and consideration.”*

**POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve
- Deny
- Table

**ATTACHED INFORMATION**

- I. Sample ordinances

**COPIES FORWARDED TO:**

- I. None

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UPCOMING EVENTS

July 7, 9am - 3pm  
Native Plant Sale

FRIENDS OF WILD ONES



MESSAGE

Educating the public about the benefits of preserving and restoring biodiversity of our native plant communities, beginning in our own yards and gardens.

GREEN BAY CITY ORDINANCE

A big thank you to Wild Ones Green Bay member and council representative Ned Dorff and the many other groups and individuals who helped create the ordinance friendly to native plants and natural landscaping which was passed by the Green Bay City Council on March 20. Now, city residents can design and plant their landscapes without fear of them being cut down as "weeds."

CONTACT

Bonnie Vastag  
920-217-7737  
ncrway992@gmail.com

WILD ONES GREEN BAY FLECK GROUP



Green Bay City Ordinance

In April 2012, the Green Bay City Council extensively revised its ordinance dealing with weeds and the maintenance of vegetation to recognize the importance of native plants and natural landscaping. It also adopted setback requirements and established an appeal process.

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.11, Noxious Weeds and Other Unightly Growth, Green Bay Municipal Code, is re and recreated as follows:

8.11 NOXIOUS WEEDS AND MAINTENANCE OF VEGETATION

(1) PURPOSE It is the purpose of this Section to prohibit the uncontrolled growth of vegetation and to control noxious weeds, while permitting the planting and maintenance of planned natural landscaping that add diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interests to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities which can be economical, low-maintenance and effective in soil and water conservation. The City enacts this Section to balance these competing interests

(2) DEFINITIONS.

(a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.

(b) "Garden" means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a well defined location.

(c) "Native Plants" means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to or naturalized to the state of Wisconsin. Native plants do not include weeds.

(d) "Noxious Weeds" means any plant listed under §§ 23.235(1)(a) or 66.0407(1)(b), Wis. Stats., and shall also include *cirsium* and *carduus* spp. (thistle), *ambrosia* spp. (ragweed), *alliaria petiolata* (garlic mustard), *plantago lanceolata* (buckthorn), and poison ivy.

(e) "Ornamental Grasses and Groundcovers" means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds.

(f) "Planned Natural Landscaping" means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care duties

(g) "Rain Garden" means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.

(h) "Turf Grasses" means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.

(i) "Unmanaged Plant Growth" means any grass, hay, weeds, brush or other offensive vegetation which

has grown to a height of over 9' but does not include:

1. Gardens,
2. Plants located on agricultural land,
3. Plants located on shoreland within 35 feet of the ordinary high-water mark,
4. Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas, or
5. Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained.

**(3) CONTROL OF NOXIOUS WEEDS**

(a) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands.

(b) If a person neglects to destroy all noxious weeds as required under par. (a), the Weed Commissioner shall destroy or have destroyed the noxious weeds. The cost of destroying the weeds shall be charged and assessed in the manner provided by § 66.0517(3)(b)1, Wis. Stats.

**(4) UNMANAGED PLANT GROWTH**

(a) A person owning, occupying, or controlling any residential lot or property adjacent to or adjoining a residential lot shall cut and remove any unmanaged plant growth on the land.

(b) If a person neglects to cut and/or remove unmanaged plant growth as required under par. (a), the Weed Commissioner shall cut down and remove or cause to be cut down and remove the unmanaged plant growth. The cost of cutting and removing the unmanaged plant growth shall be charged and assessed in the manner provided by § 66.0627(2), Wis. Stats.

**(5) PLANNED NATURAL LANDSCAPING**

(a) Any person wishing to maintain a planned natural landscaping area on their property may register their property with the Department of Public Works.

(b) Planned Natural Landscaping Guidelines:

1. Turf grass is to be eliminated and the native plants, trees and shrubs are to be planted through transplanting or seed by humans or mechanical means.
2. Setbacks.
  - a. 3 feet from front lot line when adjacent to a public sidewalk and 0 feet from front lot line if there is no public sidewalk
  - b. 3 feet from rear and side lot lines
  - c. No setback is required on side and rear lot lines if there is a fence along the lot lines, or the native landscaping abuts a neighboring planned natural landscaping area public park/open space, or is adjacent to a natural area.
  - d. The setback area should be regularly cut turf grass, garden beds, trees, shrubs, mulch, wood chips or landscape stone.
  - e. Planned natural landscaping is to be cut to a maximum height of 9" once annually by July 15<sup>th</sup>.

(c) Complaint Notification. Any person who registers a parcel as natural landscaping with the Department of Public Works shall receive a notice that the Weed Commissioner intends to take action on the parcel under this section ten (10) business days before any action is taken. If the registered parcel owner objects within ten (10) business days after the notice was issued, the Improvement & Services Committee shall recommend whether the parcel is a planned natural landscaping exempt from § 8.11(4) of this ordinance to the Common Council. The Common Council shall affirm or reverse the Improvement & Service Committee's recommendation and issue a final decision.

**(6) APPEAL.**

Any property owner wishing to contest a charge assessed under this section may appeal to the Improvement Services Committee. The appeal shall be in writing and submitted to the City Clerk within 30 days of the date on which the unmanaged plant growth and/or noxious weeds were cut and/or destroyed. The Committee may uphold, modify,

cancel the charge. This procedure for administrative review shall not be governed by Ch. 68, Wis. Stats.

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed

**SECTION 3.** This ordinance shall take effect on and after its passage and publication

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ARTICLE III. WEEDS AND WILD GROWTH\*

Sec. 12-56. Definition.

For purposes of this article, noxious weeds shall mean the weeds defined in W.S.A. §66.0407, which is hereby adopted and made a part of this article, and shall also include common ragweed (Ambrosia artemisiifolia), giant ragweed (Ambrosia trifida) and burdock (Actrium spp.). (Code 1965, §22.06(2))

Cross reference(s) – Definitions and rules of construction generally, §1-2.

Sec. 12-57. Destruction of noxious weeds required.

Every person shall destroy all noxious weeds on every parcel of land which he owns, occupies or controls. (Code 1965, §22.06(1))

Sec. 12-58. Weed Commissioner; destruction of weeds by City.

(a) The Weed Commissioner, who shall be the Inspections Supervisor, shall have the powers and duties enumerated in this article and in W.S.A. §66.0407, except that he shall receive no compensation for his services other than his regular salary.

(b) The Weed Commissioner shall destroy or cause to be destroyed noxious weeds, and is further empowered to enter upon public and private lands and to cut or remove the accumulation or growth of weeds, grass, brush or other rank or offensive vegetation which has grown to a height greater than the following heights:

- (1) On developed lots, regardless of location in the city, eight (8) inches;
- (2) On undeveloped lots, regardless of location in the city, twelve (12) inches.

(c) Developed lot shall be defined as one with a finished building or building under construction.

(d) The administrative fee for multiple adjacent properties or a new subdivision by phase per event shall be no more than five (5) times the fee for a single lot.

(e) Property in the city, but not yet served by City sewer and water or permitted utilities, shall be exempt from the provisions of this section, except for noxious weeds.

(f) Noxious weeds shall be eliminated under this notice and charge provisions of W.S.A. §66.0517. All other weed elimination or vegetation control shall be charged as a special charge for current services rendered under W.S.A.

§66.0627, with or without notice to the property owner. (Code 1965, §22.06(3) – (5); Ord 15-92, §1, 4-1-92; Ord 174-93, §1, 10-19-93; Ord 30-07, §1, 2-27-07)

\*Cross reference(s) – Sanitary facilities required for housing, §4-238.

State law reference(s) – Nuisances, weeds, W.S.A §23.235 through §66.0517.

Sec. 12-59. Landscape maintenance.

(a) Purpose. The use of wildflowers and other native plants in a managed landscape design can be economical, low-maintenance and effective in soil and water conservation. However, it is not the intent of this section to allow vegetated areas to be completely unmanaged or overgrown.

Areas that present either a direct health hazard or provide a demonstrated breeding ground for fauna known to create a safety or health hazard will not be permitted. Certain noxious weeds defined in this section are recognized indicators of neglect. The City recognizes the desirability of permitting natural vegetation within the city limits while maintaining public health and safety at the same time.

(b) Managed natural landscaping.

- (1) Native and naturalized plants including, but not necessarily limited to, ferns, wildflowers, grasses, shrubs and trees may be grown in a managed landscape design provided said plants were not obtained, or are not growing, in violation of any local, state or federal laws.
- (2) Nuisance weeds and noxious weeds are defined by W.S.A. §23.235 and §66.0407, respectively, as amended, and also include those weeds set forth in §12-56. Such weeds are prohibited in all cases and shall be subject to destruction under §12-59 and §12-58.
- (3) Natural landscape areas shall be set back a minimum of seven (7) feet from all property lines and driveways unless the property is abutted by a roadway, fence or similar barrier separating it from adjoining residential properties, then the natural landscaping may be planted up to the property line (inside the sidewalk).
- (4) Natural landscape areas shall be subject to §6-6 governing fire hazards. Those areas located within residential districts and containing dense plantings of tall grasses (in excess of 8”) or similar light weight fuels (as determined by the Fire Department) shall be limited in area to two

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hundred (200) square feet, separated from other like areas according to the setback requirements in sec. (3) and set back a minimum of seven (7) feet from all structures.

- (5) This section shall not apply to properties owned by governmental entities or where federal, state or local regulations provide otherwise.

(c) *Yard neglect.*

- (1) Any front, side or rear yard area of a residence, business, institutional or industrial use, shall be maintained with a lawn, shrubbery, plantings or other surface treatment consistent with this section.
- (2) Rank or unmanaged growth of vegetation identified in state or local codes is not permitted and is declared to be a public nuisance.
- (3) Yards with a common stand of turf grass that has not been maintained and is higher than eight (8) inches is declared to be in a state of neglect and a public nuisance.

(d) *Enforcement.* Failure to correct a violation of this section may result in weed elimination as defined in §12-58 of this ordinance and penalties as provided in §1-16. (Ord 11-98, §1, 2-18-98, Ord 13-02, §1, 3-11-02)

Secs. 12-60 – 12-75. Reserved.

ARTICLE IV. NOISE\*

Sec. 12-76. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*ANSI* means American National Standards Institute or its successor bodies.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*Ambient noise* means the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

*Background noise level* means the sound from all sources, with a single source in question removed.

*Commercial area* means any area of the city designated on the Official Zoning Map C-O, C-1, C-2 or CBD.

*Construction* means any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

*Day* means the hours between 7:00 a.m. and 10:00 p.m. central standard or daylight savings time when in effect.

*Decibel or dB* means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

*Demolition* means any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Fluctuating sound* means a sound whose sound pressure level varies significantly but does not equal the ambient

Sun Prairie, Wisconsin, Code of Ordinances >> - SUPPLEMENT HISTORY TABLE >> Title 8 - HEALTH AND SAFETY >> Chapter 8.28 - NATURAL LAWN PERMITS >>

## Chapter 8.28 - NATURAL LAWN PERMITS

### Sections:

8.28.010 - Regulation of natural lawns.

### 8.28.010 - 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 8.36.010 of this chapter. The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the city corporate limits unless a natural lawn management plan is approved and a permit is issued by the city 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 title holder 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 at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the lawn management plan.
  3. Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the city clerk 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 (10) 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 (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the city provided the notification is received sometime between May 1st and November 1st. Property owners who receive notification from the city between November 2nd and April 30th shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20th 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 fifty dollar (\$50.00) non-refundable 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 three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the director of public works receives written objections from fifty-one (51) percent or more of the neighboring property owners, the city clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (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 fifty-one (51) percent of the neighboring property owners provide written objections, the director of public works shall issue permission to install a natural lawn.

D. Application for Appeal. The property owner may appeal the director of public works' decision to deny the natural lawn permit request to the public works committee at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the public works 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 lawn 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 three hundred thousand dollars (\$300,000.00).

- F. Revocation of an Approved Natural Lawn Management Plan Permit. The director of public works upon the 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 public works committee. All applications for appeal shall be submitted within fifteen (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 fifteen (15) calendar days shall result in the revoking of the natural lawn management plan permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the public works committee in an open meeting. The public works 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 (10) days, the enforcement officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the city clerk shall enter those charges onto the tax roll as a special tax as provided by state statute.
  3. The failure of the city 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 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 1.24.010
  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. (Prior code § 8-1-6)

Municipal Code. An exception to these requirements is that portion of a lot which is a wooded area of mature tree growth.

B. Duty of Abutting Property Owners.

1. The abutting property owner shall maintain the area between the curb and sidewalk and shall maintain the right-of-way area between their property line and the street pavement. Such areas shall be kept in good condition and repair, and free from debris. Turf grass and weeds shall be maintained at a height not to exceed eight inches. Noxious weeds as defined in Section 8.32.030 of this code shall be destroyed as provided by said section and the Wisconsin Statutes. The only exception to the maintenance provisions shall be the determination of the director of inspection services that the physical characteristics of the right-of-way make said maintenance hazardous for the property owner.

2. The physical or other characteristics that the director of inspection services shall consider in making this determination with respect to an exception from the maintenance requirements for ditch areas shall include, but not be limited to, slope, depth at bottom, and side structure. The presence of the following shall be deemed hazardous for maintenance by the property owner and shall be maintained by the city:

Slope of ditch is steeper than 2:1 and

Depth of ditch is greater than 3 feet

3. If a property owner fails to comply with the requirements of this section, the director of inspection services, or his designee, after first giving at least five days but not more than thirty (30) days' written notice by mail to said owner, is authorized to perform or have performed the required maintenance. The cost of any such maintenance shall be charged against the owner of the abutting property and shall become a lien upon the abutting property as a special charge in accordance with the Wisconsin Statutes or a municipal citation may be issued to the property owner pursuant to Section 1.12.010 of the Brookfield Municipal Code. (Ord. 1655 Part I (part), III, 1998)

**15.24.060 Natural landscaping regulations.**

Any owner or lessee, with the consent of the owner, of land which is zoned residential in the city may choose to natural landscape their property subject to the following regulations:

A. Noxious weeds, as defined in Wisconsin State Statutes shall not be permitted on property within the city.

B. No vegetation (except trees) shall exceed a maximum height of thirty (30) inches, as measured from the road edge to the top of the vegetation, in the location designated as the vision triangle or in the city right-of-way of road intersections. Trees in the vision triangle or in city right-of-way at road intersections shall be trimmed to a height of sixty (60) inches, as measured from the road edge to the bottom branches, to allow for a

clear view of oncoming traffic. The City Engineer shall have the authority to modify these dimensions as required by local conditions to ensure the safety of vehicular travel in the area. A vision triangle is also referred to as vision setback or vision setback line and has the same definition as contained set forth in Section 17.04.020.

C. Naturally landscaped properties shall be maintained in a healthy and vigorous condition, as opposed to one of impairment and decline. Properties shall not be unmanaged or overgrown in ways that may adversely affect human health or safety.

D. All turf grasses shall be mowed to a height of no more than eight inches. The property owner shall be responsible for the mowing of turf grasses or maintenance of natural landscaping up to the street pavement edge.

E. Enforcement. If the land owner does not comply with this section, the inspection services department will issue an order to correct conditions. If the conditions of the order are not met within the stated time frame, a municipal citation will be issued to the property owner (per Section 1.12.010).

Where there is a disagreement between the city and the property owner in regard to the appropriateness of a plant species, it shall be the property owner's responsibility to show proof of the appropriateness of the plant species, through a trained professional in botany or a similar field.

F. The provisions of this section do not apply to government owned properties designated as open space in the city's park and open space plan or government owned properties that have a conservation easement upon them. (Ord. 1904 § 1, 2003; 1898 § 2, 2002; Ord. 1655 Part I (part), IV, 1998)

#### **15.24.070 Authority of fire chief to fire threat.**

All yard areas and grass areas shall be cut between June 30th and October 15th when the fire chief so orders, consistent with his professional determination that the length of such yard or grass areas poses an unreasonable threat from fire to the safety of the area in question or its surrounding neighborhood. (Ord. 1655 Part I (part), V, 1998)

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**This page of the Brookfield Municipal Code is current through Ordinance 2292-12, passed June 19, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Brookfield Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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