



Meeting: Village Board  
Meeting Date: 10/08/12  
Agenda Item: #7a

**Mission Statement**

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

**VILLAGE BOARD MEETING STAFF REPORT**

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

**REPORT FROM:** Dave Wiese, Director of Community Development

**AGENDA ITEM:** Review and Discuss Sections of the Howard Municipal Code Relating to Grass and Weed Control

**ACTION REQUESTED:**  Ordinance  Resolution  Motion  Receive/File

**BACKGROUND INFORMATION**

Currently, when a code enforcement officer receives a complaint about long grass or weeds on a property, he inspects the property to determine if the vegetation complies with the current regulations. The location of the property and use of the property is a determining factor as to whether the situation needs to be addressed. The Code Administration Department has created the following checklist based on our current ordinance. The department uses it to aid in a site inspection.

**Checklist**

**AREAS REGULATED** These regulations apply to all lands within recorded subdivision plats containing five (5) or more lots and all properties served by the municipal water and sewer system.

**HEIGHT LIMITATION** The owner or occupant of any lot or parcel of land in a regulated area of the Village shall maintain all grass, weeds and other vegetation, excluding trees and shrubs, at a height of **less than ten (10) inches** in the following locations:

- All areas on any lot less than one and one-half (1 ½) acres in area, where one or more buildings exist, excluding agricultural or farm buildings.
- Those areas on any lot adjacent to and within twenty (20) feet of any lot where an established lawn exists or where one or more buildings exist, excluding agricultural or farm buildings.
- Terrace areas located within a road right-of-way adjacent to any lot or parcel of land. Such areas shall be maintained by the owner or occupant of the abutting lot or parcel of land.
- Those areas within ten (10) feet of a public sidewalk or walkway. If such areas are located in whole in part on public grounds, a road right-of-way or other land dedicated to public use, they shall be maintained by the owner or occupant of the abutting lot or parcel of land.

**HORIZONTAL GROWTH** No grass or other vegetation shall be permitted to encroach horizontally upon any public street, road, road shoulder, sidewalk, walkway or alley more than ten (10) inches, regardless of height.

**MAINTENANCE TECHNIQUES** Grass, weeds and other vegetation required to be maintained by this section may be controlled by cutting, mowing, chemical eradication or other approved method.

       **DISPOSAL OF GRASS AND WEEDS** No grass or other vegetation resulting from the mowing or cutting of private or public property shall be discharged, dumped or in any other way deposited upon any parcel of private property or upon a public street, road, road shoulder, sidewalk, walkway alley, park, or other public place in the Village, other than that parcel from which the grass or vegetation was removed, without the consent of the owner of the property onto which such grass or vegetation is to be left or deposited.

       **PROTECTION OF DRAINAGE WAYS** No grass or other vegetation resulting from the mowing or cutting of private or public property shall be discharged or disposed of in such a manner as to block a storm sewer or other drainage way.

       **TERRACE AREAS** No grass or other vegetation resulting from the mowing or cutting of private or public property shall be left piled on terrace areas located within a road right-of-way from May 16th to September 30th or from November 16th to March 31st of any year, or any other period of time when Village work crews are not collecting or picking up such material.

       **ENFORCEMENT** If a property owner or occupant fails to comply with the above regulations, and no record exists of a previous violation of such regulations by the owner or occupant, the Building Inspector shall serve notice upon him as to the violation. If such owner or occupant fails to abate the public nuisance within three days after service of the notice, the Building Inspector may initiate action to abate the public nuisance.

       **COSTS** If the Village causes a nuisance to be abated, the charge by the Village shall be **\$200.00 per hour** with a minimum charge of one hour per parcel and this 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 ten percent 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.

       **CHRONIC OFFENDERS** If a property owner or occupant fails to comply with the above regulations, and Village records confirm one or more previous violations by such owner or occupant of the property within three years of the date of violation, the Building Inspector may take immediate action to abate the public nuisance without serving notice upon the owner or occupant. Additionally, the Building Inspector may follow up his action to abate by issuing a citation to the owner or occupant. Any person convicted of multiple violations shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 plus other penalties and fees as set forth in the Village bond schedule. Each violation and each day a violation continues or occurs shall constitute a separate offense.

**POLICY REFERENCE**

*Wisconsin Statutes:*                    66.96(1)

*Howard Municipal Code:*            10.03(8), 10.07

*Policies & Procedure Manual:*   N/A

**ATTACHED INFORMATION**

I. Current Ordinance

# ATTACHMENT I

## DIVISION 7. - WEED CONTROL [22]

Sec. 16-173. - Noxious weeds and rank growth.

Sec. 16-174. - Prohibited.

Sec. 16-175. - Tall grass and vegetation regulated.

Sec. 16-176. - Enforcement.

Sec. 16-177. - Costs.

Sec. 16-178. - Chronic nuisances.

Secs. 16-179—16-207. - Reserved.

Sec. 16-173. - Noxious weeds and rank growth.

No owner or occupant of any lot or parcel of land shall allow such property to become overgrown with weeds or other rank growth of vegetation so as to constitute a public nuisance, as defined in section 16-174.

(Comp. Ords. 2000, § 10.07(1); Ord. No. 1989-4; Ord. No. 2007-24, § 2, 6-11-2007; Ord. No. 2009-18, § 2, 7-13-2009)

Sec. 16-174. - Prohibited.

All noxious weeds, as defined in Wis. Stats. § 66.96(1), and other rank growth of vegetation, excluding trees and shrubs are prohibited, which:

- (1) Detract from the surrounding area and properties as determined by the building inspector;
- (2) Become a possible fire hazard, as determined by the fire chief;
- (3) Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals;
- (4) Are of infectious or poisonous nature in or adjacent to a populated area;
- (5) Become a potential hazard to vehicular traffic in vision clearance triangles.  
(Comp. Ords. 2000, § 10.03(8); Ord. No. 2009-18, § 1, 7-13-2009)

Sec. 16-175. - Tall grass and vegetation regulated.

The following regulations shall apply to all lands within recorded subdivision plats containing five or more lots and all properties served by the municipal water and sewer system.

(1) The owner or occupant of any lot or parcel of land shall maintain all grass, weeds and other vegetation, excluding trees and shrubs, at a height of less than ten inches in the following locations:

a. All areas on any lot less than one and one-half acres in area, where one or more buildings (as defined in chapter 50) exist, excluding agricultural or farm buildings.

b. Those areas on any lot adjacent to and within 20 feet of any lot where an established lawn exists or where one or more buildings (as defined in chapter 50) exist, excluding agricultural or farm buildings.

c. Terrace areas located within a road right-of-way adjacent to any lot or parcel of land. Such areas shall be maintained in accordance with this section by the owner or occupant of the abutting lot or parcel of land.

d. Those areas within ten feet of a public sidewalk or walkway. If such areas are located in whole in part on public grounds, a road right-of-way or other land dedicated to public use, they shall be maintained in accordance with this section by the owner or occupant of the abutting lot or parcel of land.

(2) No grass or other vegetation resulting from the mowing or cutting of private or public property shall be discharged, dumped or in any other way deposited upon any parcel of private property or upon a public street, road, road shoulder, sidewalk, walkway alley, park, or other public place in the village, other than that parcel from which the grass or vegetation was removed, without the consent of the owner of the property onto which such grass or vegetation is to be left or deposited.

(3) No grass or other vegetation shall be permitted to encroach horizontally upon any public street, road, road shoulder, sidewalk, walkway or alley more than ten inches, regardless of height.

(4) No grass or other vegetation resulting from the mowing or cutting of private or public property shall be discharged or disposed of in such a manner as to block a storm sewer or other drainage way.

(5) No grass or other vegetation resulting from the mowing or cutting of private or public property shall be left piled on terrace areas located within a road right-of-way from May 16 to September 30 or from November 16 to March 31 of any year, or any other period of time when Village work crews are not collecting or picking up such material.

(6) Grass, weeds and other vegetation required to be maintained by this section may be controlled by cutting, mowing, chemical eradication or other approved method.

(7) Failure to comply with the above regulations shall constitute a public nuisance, as defined in section 16-174

(Comp. Ords. 2000, § 10.07(2); Ord. No. 1989-4; Ord. No. 2007-24, § 2, 6-11-2007; Ord. No. 2009-18, § 2, 7-13-2009)

#### Sec. 16-176 – Enforcement

(1) First Time Offenders - If a property owner or occupant fails to comply with the regulations set forth in Section 16-175 above, and no record exists of a previous violation of this section by such owner or occupant, the building inspector shall serve notice upon him as to the violation. If such owner or occupant fails to abate the public nuisance within three days after service of the notice, the building inspector may initiate action to abate the public nuisance.

(2) Chronic Offenders - If a property owner or occupant fails to comply with the regulations set forth in Section 16-175 above, and Village records confirm one or more previous violations of this section by such owner or occupant of the property within a three year period, the building inspector may take immediate action to abate the public nuisance without serving notice upon the owner or occupant. Additionally, the building inspector may follow up his action to abate by serving upon the owner or occupant a Wisconsin Uniform Municipal Court Citation and Complaint in accordance with Section 1-17. Any person convicted of multiple violations as described in this section, shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 plus other penalties and fees as set forth in the village bond schedule. Each violation and each day a violation continues or occurs shall constitute a separate offense.

#### Sec. 16-177 – Costs

If the village causes a nuisance to be abated as provided in section 16-176 above, the charge by the village shall be \$200.00 per hour with a minimum charge of one hour per parcel and this 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 ten percent 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 Wis. Stats. § 66.98.

**SECTION 2** Section 16-178 (Chronic Nuisances) is hereby repealed.