

EXISTING**13.050 Removal of Noxious Weeds.****(1) “Noxious Weeds” Defined.**

(a) In addition to those noxious weeds listed in Wis. Stat. § [66.0407](#), the following are hereby declared to be noxious weeds in the City of Manitowoc:

1. Perennial sow thistle;
2. Wild and Indian mustard;
3. Quack grass; and
4. Ragweed.

(b) In addition, any grasses, lawns or weeds of any kind over eight inches (8") in height are declared to be noxious weeds, unless no portion of the tax parcel on which they are located lies within 200 feet of any other owner's dwelling unit or commercial building. In the case of property adjacent to a street right-of-way, any grasses, lawns or weeds of any kind over eight inches (8") in height are declared to be noxious weeds if they are located in either of the following areas:

1. In areas where there is no sidewalk, within 10 feet from the curb or other termination of the edge of the roadway; or
2. In areas with sidewalk, between the sidewalk and the curb and within 10 feet from the inside portion of the sidewalk.

(2) Notification for Removal of Noxious Weeds. In the event of an ordinance violation, the City's Weed Commissioner shall send a notice (“Weed/Grass Violation Notice”) to the property owner and they shall be allowed five business days from the date of the notice to perform the work. After this time, if the work has not been completed, the Department of Public Works will cut the weeds/grass. Prior to cutting the weeds/grass, the Department of Public Works will take photos of the weed/grass violation and will place a door hanger at the dwelling.

The City's Weed Commissioner will only send one notice per year.

(3) Cost of Removal. If the Department of Public Works removes noxious weeds that have not been removed by the property owner in the allotted time, the property owner shall be assessed for the cost of removal. The minimum assessment for any weed cutting against any property shall be \$300.00. For any weed/grass cutting that takes longer than 60 minutes, there will be an additional charge of time and material at a full-time rate. Charges will be collected as a tax pursuant to Wis. Stat. § [66.0517](#).

[Ord. 12-396 §§ 1, 2, 3, 2012. Prior code § 13.05]

PROPOSED

- **Sec. 90-2. - Natural lawns.**

(a)

Defined. The term "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 noxious weeds identified in Section 90-1. 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.

(1)

The term "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 vegetation 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 every two years their written plan and related information on the form provided by the City. The term "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 rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns 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 is 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 City Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council 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 Common Council 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 1 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 processing.

(1)

Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the City Clerk. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a nonrefundable filing fee in the amount established by resolution 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 City receives written objections from 51 percent or more of the neighboring property owners, the City Clerk-Treasurer 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 City Clerk-Treasurer shall issue a permit to install a natural lawn. Such permit shall be for two years.

(d)

Appeal. The property owner may appeal the City Clerk-Treasurer's decision to deny the natural lawn permit request to the Public Infrastructure Committee. 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 Public Infrastructure Committee shall be final and binding.

(e)

Safety precautions.

(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 ensure 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 ensuring 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)

Plan permit revocation. The Weed Commissioner 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 this section. Notice of intent to revoke an approved natural lawn management plan permit shall be appealable to the Common Council. 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 the 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 Common Council in an open meeting. The decision rendered by the Common Council shall be final and binding.

(g)

Abatement as public nuisance.

(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 weed violation notice of public nuisance by mail to the last-known mailing address of the property owner.

(2)

If the person so served with a notice of weed violation does not abate the violation within five days, the Weed Commissioner may proceed to abate such nuisance, and the property owner shall be charged the current forfeiture rate. 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 City Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.

(3)

The failure of the City Clerk-Treasurer 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 forfeiture 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 1-7.**

(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.