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4-15-19

~~19-0332~~
19-0456

ORDINANCE

An Ordinance to amend Section 13.050 of the Manitowoc Municipal Code regulating Removal of Noxious Weeds.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 13.050 is amended to read as follows:

13.050 **Removal of Noxious Weeds.**

(1) ~~“Noxious Weeds” Defined.~~ Definitions.

(a) Noxious Weeds. 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.

~~5. (b)~~ In addition, any grasses, lawns or weeds of any kind over eight inches 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 in height are declared to be noxious weeds if they are located in either of the following areas:

a. 4. In areas where there is no sidewalk, within 10 feet from the curb or other termination of the edge of the roadway; or

b. 2. In areas with sidewalk, between the sidewalk and the curb and within 10 feet from the inside portion of the sidewalk.

(b). Dwelling unit shall mean a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.”

(c). Roadway shall mean the traveled upon portion within the established right of way.

(2) **Destruction of Noxious Weeds Required.** Every person shall destroy all noxious weeds on every parcel of land which he/she owns, occupies or controls.

(3) **Notice to Destroy Noxious Weeds.**

(a) The Weed Commissioner or his designee shall publish a notice annually on or before May 15th, as required by Wis. Stat. § 66.0407, that every person is required by law to destroy all noxious weeds on lands in the City which he owns, occupies or controls.

(b) Upon receipt of a noxious weed complaint, the Weed Commissioner or his designee shall, on the first violation of the season, place a 48-hour written notice to destroy noxious weeds on the violating property. Notice may be placed on the entrance door of a primary building of the property or, if the property is vacant, on a sign placed on the property at a location visible from an adjacent sidewalk or road.

If the party responsible for the property fails to destroy the noxious weeds within 48 hours after receiving written notice, the City may proceed as set forth in subsection (4)(b) of this section. Subsequent violations will be addressed by the City without notice.

(4) **Destruction of Noxious Weeds by City.**

(a) The Weed Commissioner, who shall be the Director of Public Infrastructure, or his designee, shall have the powers and duties enumerated in this section and in Wis. Stat. § 66.0517, ~~except that he shall receive no compensation for his services other than his regular salary.~~

(b) The Weed Commissioner or his designee shall investigate the existence of noxious weeds in the City. If a person neglects to destroy noxious weeds as required by this section and Wis. Stat. § 66.0407(3), the Weed Commissioner or his designee shall destroy, or have destroyed, the noxious weeds in the most economical manner. The Weed Commissioner or his designee is empowered to enter upon public and private lands and to cut or remove noxious weeds as defined in subsection (1) of this section or Wis. Stat. § 66.0407(1)(b).

(5) **Cost of Removal.** If the Weed Commissioner or his designee removes noxious weeds, the property owner shall be assessed for the cost of removal. Assessments shall be set annually by resolution of the Council, a copy of which shall be available at the City Clerk Office. ~~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.

(6) **Appeals.** A person who is ordered to control noxious weeds and/or is charged for the cost of noxious weed control shall have the right to appeal the decision to control and the cost of the control by filing a written appeal on a form provided by the Municipal Clerk's Office with the Board of Public Works within 20 days of the date of the control activity. The Board of Public Works shall hear such appeal at the next scheduled board meeting. After such hearing, the Board of Public Works shall make a recommendation to Common Council for action."

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact: \$0
Funding Source: n/a
Finance Director Approval: /sc
Approved as to form: /kmm

This resolution was drafted by Elizabeth Majerus, Staff Attorney