

Chapter 9

Lawns, Grasses, and Weeds

- 9-9-1 Destruction of Noxious Weeds
- 9-9-2 Lawns and Grasses

Sec. 9-9-1 Destruction of Noxious Weeds.

- (a) The Town Clerk/Treasurer shall annually on or before May 15th publish, as permitted by Sec. 66.0407, Wis. Stats. a notice that every person is required by law to destroy all noxious weeds on lands in the Town which he or she owns, occupies, or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If any owner or occupant of real property in the town neglects to destroy any weeds as required by such notice, then the Weed Commissioner of the Town shall give five (5) days written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof shall be assessed against the real estate as a special charge on the tax roll upon the lands upon which such weeds are located under the provisions of Sec. 66.0407 of the Wisconsin Statutes. In case the owner or occupant shall fail to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be assessed against the real estate as a special charge on the tax roll upon the lands on which such weeds are located pursuant to the provisions of Sec. 66.0407, Wis. Stats., and Section 9-9-2 of this Code.
- (c) As provided for in Sec. 66.0407(1), Wis. Stats., the Town shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. Noxious weeds shall include any weed, grass, or similar plant growth that is more than eight (8) inches in height. Noxious weeds, as defined in this Section and in Section 9-9-2, shall include but not be limited to the following:
 - (1) *Cirsium arvense* (Canada Thistle)
 - (2) *Ambrosia artemisiifolia* (Common Ragweed)
 - (3) *Ambrosia trifida* (Great Ragweed)
 - (4) *Euphorbia esula* (Leafy Spurge)
 - (5) *Convolvulus arvensis* (Creeping Jenny) (Field Bind Weed)
 - (6) *Tragopogon dubius* (Goat's Beard)
 - (7) *Rhus radicans* (Poison Ivy)
 - (8) Asteraceae *Cirsium* (various) (Plumed Thistles)
 - (9) Asteraceae *Carduus* (various) (Plumeless Thistles)
 - (10) *Pastinaca sativa* (Wild Parsnip)
 - (11) *Arctium minus* (Burdock)
 - (12) *Xanthium strumarium* (Cocklebur)
 - (13) *Amaranthus retroflexus* (Pigweed)

- (14) *Chenopodium album* (Common Lambsquarter)
- (15) *Rumex Crispus* (Curled Dock)
- (16) *Plantago lanceolata* (English Plantain)
- (17) *Alliaria petiolata* (Garlic Mustard).
- (18) *Celastrus orbiculatus* (Oriental Bittersweet).
- (19) *Chelidonium majus* (Celandine)
- (20) *Dipsacus laciniatus* (Cut-Leafed Teasel)
- (21) *Dipsacus sylvestris* or *dipsacus fullonum* (Common Teasel).
- (22) *Fallopia japonica* or *polygonum cuspidatum* (Japanese Knotweed).
- (23) *Robinia pseudoacacia* (Black Locust)
- (24) *Solanum dulcamara* (Bittersweet Nightshade).
- (25) *Phragmites* (various) (Common Reed).
- (26) *Ambrosia* (various) (Ragweeds).
- (27) *Polygonaceae* (various) (Smartweed).
- (28) *Taraxacum officinale* (Dandelion) (over 12 inches in height).
- (29) *Rosa multiflora* (Multiflora Rose).
- (30) *Rhamnus cathartica* (Common Buckthorn)
- (31) *Agrostia alba* (Redtop)
- (32) *Sorghum halepense* (Johnson)
- (33) *Setaria* (Foxtail)
- (34) *Lonicera japonica* (Japanese Honeysuckle)

Sec. 9-9-2 Lawns and Grasses

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses, and weeds being allowed to grow to excessive lengths in the Town of Westport.
- (b) **Public Nuisance Declared.** The Town Board declares lawns, grasses, and weeds on non-agricultural, non-conservancy lots or parcels of land within the Town of Westport that exceed eight (8) inches in length or height to be a public nuisance, except for property located in a designated floodplain area or wetland area or where the lawn, grass or weed is part of a natural lawn (lawns consisting of native grasses and wildflowers that grow up to more than eight (8) inches in height, but which do not include any allergenic grasses or weeds.) Specifically excluded in natural lawns or nature areas are noxious grasses, invasive exotic plants, and weeds.
- (c) **Nuisances Prohibited.** No person, firm, or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by said person, firm, or corporation within the Town.
- (d) **Inspection.** The Weed Commissioner or his or her designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) **Regulation of Lawns.**
 - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he or she shall immediately cause written notice to be served that the Town proposes to have the lot or parcel of land's grass or lawn cut so as to conform with this Section.
 - (2) The notice shall be served on the owner of the lot or parcel of land or, if he or she is not known and there is a tenant occupying the property, then to the tenant, at least five (5) days before the grass or lawn will be cut.

- (3) If, during any April 1 through October 31 period, any owner, occupant or person in charge of any parcel or lot permits any lawn, grass, or weed on the parcel or lot to exceed eight inches in length or height, the Weed Commissioner may provide written notice to the owner directing that the lawn, grass or weed be cut so as to conform with this section and with Section 9-9-2(e)(1), no later than five (5) days following the issuance of the notice. The notice may be hand-delivered or mailed to the last-known address of the owner of the property. The notice shall state that the Town may, during the remainder of the April 1 through October 31 period, and without further notice, cut any lawn, grass, or weed on the lot or parcel that exceeds eight inches in length, that the cost of such work shall be charged to the parcel or lot owner, and that the cost of such work may become a charge against the parcel or lot. If the owner fails to cut the lawn, grass, or weed within the time required by the notice, then the Weed Commissioner may cause the lawn, grass or weed to be cut. If a property owner has received at least one written notice pursuant to this division during an April 1 through October 31 period, and has permitted a lawn, grass, or weed on a parcel or lot to exceed eight inches in height, then the Public Works Supervisor may cause the lawn, grass, or weed to be cut without further notice. The cost of cutting the lawn, grass, or weed shall be charged to the owner, and may be assessed against the lot or parcel pursuant to Wis. Stats. Sec. 66.0627. Additional citations may be issued for violations of the chapter in addition to billing for the abatement of the nuisance, as defined in Section 9-9-3(b).
- (f) **Natural Lawns.**
- (1) **Definitions and Locations.** Sec. 9-9-2(a) - (e) shall not apply to natural lawns. Natural lawns as used in this subsection shall include common species of grass and wild floras native to North America that are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 9-9-1 of this Chapter. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife. Natural lawns shall not be permitted in any Town-owned property including street rights-of-way without the consent of the Town. Natural lawns shall not be permitted on 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 lawns shall not be permitted within ten (10) feet of the abutting property unless permitted in writing by the owner of the abutting property on the side so affected.
- (2) **Safety Precautions.**
- a. When, in the opinion of the Fire Chief of the Fire Department serving the Town, 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. The natural lawn shall be cut to a safe condition within three (3) days upon receiving written direction from the Fire Chief.
- b. Natural lawns shall not be removed through the process of burning unless approved by the Fire Chief. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are proper 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 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 Town as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000).

- (3) **Public Nuisance Defined – Abatement After Notice.**
- a. The growth of a natural lawn that does not comply with this section shall be considered a public nuisance. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
 - b. If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Town Weed Commissioner 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 Town Clerk/Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.
 - c. The failure of the Town 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 Town's expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.
- (4) **Penalty.**
- a. Any person, firm, or corporation that 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 1-2-4.
 - b. In addition to any penalties herein provided, the Town 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.