

**SEC. 8-1-4 DESTRUCTION OF NOXIOUS WEEDS.**

- (a) **Notice.** Unless delegated to the county, the Town Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Town which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) **Noxious Weeds.** Canadian Thistle, Leafy Spurge, Field Bindweed, Marijuana that is not grown or cultivated for lawful commercial purposes, English Charlock or Wild Mustard, Goats-Beard, Quack or Quitch Grass, harmful Barberry, Field Dodder, Indian Mustard, Oxeye Daisy, Snapdragon or Butter and Eggs, and perennial Sow Thistle, on all land owned, occupied, or controlled by a property owner in said Town, and out to the center of any highway on which such lands may abut, at such time and in such manner as shall effectually prevent them from bearing seed, or spreading to adjoining properties, as required by the Wisconsin Statutes.
- (c) **Destruction of Weeds.** If the owner or occupant shall neglect 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 will be assessed as a tax 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 further neglect 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 charged against such lots and be collected as a special tax thereon.
- (d) **Charge for Cutting Noxious Weeds.** Whenever the Town is required to cut noxious weeds, a billing for such charge shall be sent to the property owner, and in the event the charge is not paid within thirty (30) days from the date of billing, interest may accrue thereon at the rate of one and one-half percent (1-1/2%) per month from and after the due date. The charge of the Town for such service, including interest and a processing charge (see Section 16-1-4), shall be added to the next succeeding tax bill for the real estate taxes as a special assessment, to be paid together with the real estate taxes levied and assessed against the property. The amount of the charge for cutting noxious weeds shall be determined by the Town Board on an annual basis, or as necessary.

**SEC. 8-1-5 REGULATION OF LENGTH OF LAWN AND GRASSES.**

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Town of Waukesha.
- (b) **Public Nuisance Declared.** The Town Board finds that lawns, grasses and noxious weeds on non-agricultural/conservancy lots or parcels of land, as classified under the Zoning Code, governing the Town, within the Town of Waukesha which exceed twelve (12) inches in length. adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Town. For that reason, any nonagricultural lawn, grass or weed on a lot or other parcel of land which exceeds twelve (12) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area.
- (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 him within the Town.

- (d) **Inspection.** The Weed Commissioner or his/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) **Abatement of Nuisance.**
  - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he/she shall immediately cause written notice to be served that the Town proposes to have the lot grass or lawn cut so as to conform with this Section.
  - (2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he/she is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- (f) **Due Process Hearing.** If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Town personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Town Board's decision. If the owner does not abate the nuisance within the described forty-eight (48) hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- (g) **Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the Town may elect to cut said lawn, grass or weeds as follows:
  - (1) The written notice required in Subsection (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The Town shall cut or cause to: be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board, pursuant to Section 8-1-4(c). The charges shall be set forth in a statement to the Town Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Town Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wisconsin Statutes.