

ORDINANCE 2020-14

**AN ORDINANCE AMENDING THE MCFARLAND MUNICIPAL CODE REGARDING
PROPERTY MAINTENANCE AND WEED ABATEMENT.**

Purpose: To amend the amend property maintenance and weed abatement provisions in the McFarland Municipal Code.

Sponsor: Andrew Bremer, Community & Economic Development Director
Sayer Larson, Parks Superintendent

Recommended Referral: None Required

Public Hearing: Not Required

WHEREAS, the McFarland Municipal Code regulates property maintenance and weed abatement, which is enforced through a weed commissioner and property maintenance enforcement officer; and

WHEREAS, Village staff recommends amending the current Code to permit the property maintenance officer and weed commissioner to issue citations, and to update provisions concerning enforcement of the Code with respect to weed abatement, and to consolidate regulations regarding lawn maintenance; and

WHEREAS, Village Board previously found, and continues to find, that noxious weeds, and lawns exceeding eight inches in height, adversely affect the health and safety of the public in that they tend to emit discomforting pollen, constitute a fire or other safety hazard, interfere with the public convenience, and adversely affect property values within the Village; and,

WHEREAS, the Village Board accepts the recommendations of Village staff and finds that the proposed changes to the Code are in the public interest because they provide clearer standards for the public and provide a more streamlined procedure for nuisance abatement.

NOW, THEREFORE, the Village Board of the Village of McFarland, does ordain as follows:

1. Section 1-18 of the McFarland Municipal Code is amended to include the following officers authorized to issue citations:

- (i) Weed Commissioner.
- (j) Property Maintenance Enforcement Officer.

2. Section 20-25 of the McFarland Municipal Code is amended to read as follows:

Sec. 20-25. – Regulations concerning noxious weeds and lawn height.

(a) *Definition of Noxious Weeds.* Noxious weeds, as used in this Section, includes the following:

1. *Alliaria petiolata* (Garlic Mustard).
2. *Ambrosia artemisiifolia* (Common Ragweed).
3. *Ambrosia trifida* (Giant Ragweed).
4. *Arctium minus* (Burdock).
5. *Cannabis sativa* (Hemp).
6. *Cirsium arvense* (Canada Thistle).
7. *Cirsium vulgare* (Bull Thistle).
8. *Convolvulus arvensis* (Creeping Jenny) (Field Bindweed).
9. *Cornilla varia* (Crown Vetch).
10. *Dipsacus laciniatus* (Cut-leaved Teasel).
11. *Dipsacus slyvestris* (Common Teasel).
12. *Euphorbia esula* (Leafy Spurge).
13. *Lythrum salicaria* (Purple Loosestrife).
14. *Pastinaca sativa* (Wild Parsnip).
15. *Plantago lanceolata* (English Plantain).
16. *Polygonum cuspidatum* (Japanese Knotweed).
17. *Rumex crispus* (Curled Dock).
18. *Toxicodendron diversilobum* (Poison Oak).
19. *Toxicodendron radicans* (Poison Ivy).
20. *Tragopogon dubius* (Goat's Beard).
21. *Xanthium strumarium* (Cocklebur).
22. The following grasses: *Agrostis alba* (Redtop), *Dactylis glomerata* (Orchard), *Phleum pratensis* (Timothy), *Phragmites australis* (Common reed grass), *Poa pratensis* (Kentucky Blue), *Sorghum halepense* (Johnson), and *Setaria* (Foxtail species).
23. Dandelions over eight inches in height.
24. Any yard grass or lawn over eight inches in height.
25. Any plant listed under Wis. Stats. §§ 23.235(1)(a) and 66.0407(1)(b) or prohibited under Wis. Admin. Code NR 40.

(b) *Duty to destroy noxious weeds and maintain lawn.* Except as otherwise provided, every person shall destroy or otherwise eliminate noxious weeds on lands that he or she owns or controls. All noxious weeds shall be destroyed or eliminated prior to the time in which such plants would mature to the bloom or flower state. Every person shall keep all yard grass and lawns on lands that he or she owns or controls under eight inches in height.

(c) *Abatement process.* The Village may provide written notice to any person failing to comply with this Section by sending notice to the property owner by first class mail or by electronic mail if the property owner provides an electronic mail address to the Village. In addition, the Village may post said notice at the subject property in a conspicuous location, such as the front door, and provide the notice personally to the owner or adult occupant of the property.

The notice shall state that the Village, after the expiration of a five-day period, will destroy or cause to be destroyed all such noxious weeds growing upon said lands, and/or will mow or cause to be mowed the grass or lawn upon said lands, and that the cost thereof, including chemical treatments, will be billed to the person and may be imposed as a special charge upon said lands if not paid. The notice shall also provide that the Village may repeat such action for future violations without additional notice. The notice shall also provide the Village's decision to issue the notice and take action to abate the nuisance is subject to administrative review pursuant to Article XI of this Code.

No additional notice is required for subsequent violations of this Section involving the same property if the same person has received a similar notice in the previous six months and failed to correct the violation.

After the five-day notice period has expired, or as soon as practicable if no notice is required, the Village or its designee may enter the lands and destroy the noxious weeds and/or mow the grass or lawn, the expense of which shall be billed and payable within 30 days of invoicing. Any unpaid charge may be imposed as a special charge against the property, as determined by the Village Board.

- (d) The Weed Commissioner shall enforce this Section.
- (e) Section 20-25(a)(24) does not apply to property located in a designated floodplain area and/or wetland area, or where the land is zoned A-1 Agriculture - Transition or RH-1 Rural Home Districts.
- (f) Any person violating paragraph 20-25 (b) of this Section shall forfeit not less than \$50.00 nor more than \$100.00 for a first offense, and not less than \$200.00 nor more than \$300.00 for a second or subsequent offense occurring within the same calendar year. Each day of violation constitutes a separate offense. Citations may be issued irrespective of any abatement action commenced by the Village under paragraph 20-25 (c) of this Section, or other lawful remedies pursued by the Village.

3. Section 20-26 of the McFarland Municipal Code is repealed.

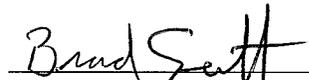
4. Section 59-59(d)(2) is amended to replace reference to "Section 20-26" with "Section 20-25".

5. Appendix A of the McFarland Municipal Code is amended to remove reference to 20-26(f)(1)a, and to add the following:

20-25	Cutting grass and weeds and weed abatement	Cost of mowing and weed and abatement, including yard treatments
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The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 27th day of April, 2020.

APPROVED:



Brad Czebotar, Village President

ATTEST:



Cassandra Suettinger, Village Clerk-
Treasurer

ORDINANCE 2020 – 14	
MOTION	SECOND
Clow	Flaherty
ACTION	DATE
Adopted	04/27/2020
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Brassington – Aye	Kryzenske- Aye
Clow – Aye	Rupert – Aye
Czebotar – Aye	Utter – Aye
Flaherty - Aye	
VOTING RESULTS	
Motion Carried	7-0-0
Motion Defeated:	