

Sec. 18-7. Lawn and grass length regulated.

(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 lengths within the village.

(b) *Public nuisance declared.* The village board finds that lawns, grasses and noxious weeds which exceed eight inches in length on lots or parcels of land adversely affect the public health and safety because they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard because debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the village. For such reasons, any lawn, grass or weed which exceeds eight inches in length on a lot or other parcel of land is declared to be a public nuisance, except for property located in a designated floodplain and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to section 18-6.

(c) *Nuisances prohibited.* No person shall permit any public nuisance, as defined in subsection (b) of this section, to remain on any premises within the village which is owned or controlled by him.

(d) *Inspection.* The weed commissioner or his designee shall inspect, or cause to be inspected, all premises and places within the village to determine whether any public nuisance, as defined in subsection (b) of this section, exists.

(e) *Abatement of nuisance.*

(1) If the weed commissioner shall determine with reasonable certainty that any public nuisance, as defined in subsection (b) of this section, exists, he shall immediately cause written notice to be served that the village proposes to have the grass or lawn of such lot cut so as to conform with this section and section 18-5.

(2) The notice of the time and place at which the hearing will be held shall be served at least five 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 is not known and there is a tenant occupying the property, the notice shall be served on the tenant.

(f) *Due process hearing.* If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the village board. The request for such hearing must be made in writing to the village administrator's office within the five-day period set forth in the weed commissioner's notice. Upon application for the hearing, the property owner must deposit a bond in the amount set by the village board from time to time and on file in the village offices. If a decision is rendered in the property owner's favor, the bond amount 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 the village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing before the village board shall be held within seven days from the date of the owner's request. The property in question will not be mowed by the village until such time as the hearing is held by the village board. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the village, as well as subpoena witnesses for his own case. At the close of the hearing, the village board shall make its determination in writing, specifying its findings, facts and conclusions. If the village board determines that a public nuisance did exist, the village board shall order the weed commissioner to mow the property in question, unless the property has been mowed by the owner within 48 hours of the village board's decision. If the owner does not abate the nuisance within the described 48 hours, the weed commissioner shall cause the nuisance to be abated and the cost in excess of the forfeited fee assessed accordingly.

(g) *Village's option to abate nuisance.* If the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth in this section, then, and in such event, the village may elect to cut the lawn, grass or weeds as follows:

- (1) The written notice required in subsection (e) of this section shall inform the person of his failure to abate the nuisance within the prescribed time, the village shall abate the nuisance and the cost thereof shall be assessed to the property owner as a special charge.
 - (2) The village shall cut, or cause to be cut, all grass and weeds from the person's property and shall charge the expense thereof at a rate established by resolution by the village board. The charges shall be set forth in a statement to the village administrator who, in turn, shall mail the statement to the owner, occupant or person in charge of the premises. If the statement is not paid in full within 30 days thereafter, the village administrator shall enter the charges in the tax roll as a special tax against the lot or parcel of land, and the charges shall be collected, in all respects, like other taxes upon real estate, or as provided under Wis. Stats. § 66.0717.
- (Code 1988, § 6-1-7)