

Ordinance 2022-02

Ordinance changing time to comply from five (5) days to forty-eight (48) hours and maximum length of grass is changed from eight (8) inches to six (6) inches, therefore

THE VILLAGE OF COLFAX BOARD OF TRUSTEES DO ORDAIN AS FOLLOWS:

Section 1. Section 8-1-6 Regulation of Length of Lawn and Grasses of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby repealed and replaced as follows:

Sec. 8-1-6 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 Village of Colfax.

(b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Village Zoning Code, within the Village of Colfax which exceed six (6) 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 Village. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds six (6) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above.

(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/her within the Village.

(d) **Inspection.** The Weed Commissioner or his/her 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) above exists.

(e) **Abatement of Nuisance.** If the Weed Commissioner or other authorized Village official shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) exists, said official shall immediately cause a forty-eight hour (48) written notice to be served upon the occupant or owner of the property by mail or personal service. Said notice shall inform the occupant or property owner that, after the expiration of forty-eight (48) hours, the Village will have the lawn or grasses cut so as to conform with this Section and that the cost thereof will assessed as a tax upon the lands upon which such public nuisance are located. Service by mail is complete upon the mailing of the notice to the occupant or the last known address of the property owner. Such written order, in addition to specifying and describing the lawn or grasses to be cut, shall also set forth on the face thereof the provisions of Subsection (f). In case the owner or occupant shall further neglect to comply within such forty-eight (48) hour notice, then said official shall cut or have cut the lawn or grasses in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses. Notice of the bill for abatement of the public nuisance shall be mailed to the

owner of the premises. If such bill is not paid within sixty (60) days, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax.

(f) Due Process Hearing. Any occupant or property owner served with a written notice under Subsection (e) may request a hearing before the Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within forty-eight (48) hours of the date of the notice. The Board of Appeals shall hold a hearing within seven (7) days from the date of the occupant's or property owner's request. The Village shall not mow the property in question until such time as the requested hearing is held. At the hearing, the occupant or property owner may appear in person and/or by attorney and may subpoena, present and cross-examine witnesses. At the close of the hearing, the Board of Appeals shall make its determination in writing specifying its findings of facts and conclusions. If the Board of Appeals determines that a public nuisance did exist, the Board of Appeals shall order the Village to cut or have cut the lawn or grasses unless the grass or lawn has been cut by the owner within forty-eight (48) hours of the Board of Appeals' decision. If the owner does not abate the nuisance within the prescribed forty-eight (48) hours, the Village shall cause said nuisance to be abated.

(g) Penalty.

(1) Any person, firm or corporation which 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 penalties found in Section 1-1-6.

(2) Any person receiving a ticket or demand for a general penalty under Section 1-1-6 regarding a violation of this Section, may request a hearing in front of the Board of Appeals by following the procedures in Subsection (f).

Section 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted: June 13th, 2022

Jody Albricht, Village President

Published: June 22nd, 2022

Attested: *Lynn Niggemann*, Village Clerk