

Chapter 296

PROPERTY MAINTENANCE

ARTICLE I Brush, Grass and Weeds

§ 296-1. Purpose.

§ 296-2. Public nuisance declared.

§ 296-3. Nuisance prohibited.

§ 296-4. Inspection.

§ 296-5. Abatement of nuisance.

§ 296-6. Written notice.

§ 296-7. Due process hearing.

§ 296-8. Village's option to abate nuisance.

[HISTORY: Adopted by the Village Board of the Village of Lyndon Station as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Brush, Grass and Weeds [Adopted 6-11-1990 by Ord. No. 78A]

§ 296-1. Purpose.

This article 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.

§ 296-2. Public nuisance declared.

The Village Board finds that lawns, grasses and noxious weeds on residential or commercial lots or parcels of land which exceed eight 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, interfere with the public convenience and adversely affect property values of other land within the Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight 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 grass or weed is located on property zoned agricultural.

§ 296-3. Nuisance prohibited.

No person, firm or corporation shall permit any public nuisance as defined herein to remain on any premises owned or controlled by him within the Village.

§ 296-4. Inspection. ¹

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

The Director of Public Works 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 herein exists.

§ 296-5. Abatement of nuisance. ²

If the Director of Public Works shall determine with reasonable certainty that any public nuisance as defined herein exists, he shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform to this article.

§ 296-6. Written notice.

The notice 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, then on the tenant, at least five days prior to the cutting.

§ 296-7. Due process hearing. ³

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 said hearing must be made in writing to the Village Clerk-Treasurer's office within the five days set forth in the notice from the Director of Public Works. Upon application for the hearing, the property owner must deposit a bond of \$25. If a decision is rendered in the property owner's favor, the \$25 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 Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within 10 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 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. If the Village Board determines that a public nuisance did exist, the Board shall order the Director of Public Works 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 Director of Public Works shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

§ 296-8. Village's option to abate nuisance.

In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then and in that event the Village may elect to cut said lawn, grass or weeds as follows:

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. The written notice required herein shall inform said person that in the event of his failure to abate the nuisance within the prescribed time the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
- B. The Village 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 established by the actual cost to the Village in labor, machinery and overhead, plus an additional charge as set by the Village Board for the first such cutting. For subsequent cuttings, the actual cost of labor, machinery and overhead, plus an additional charge as set by the Village Board per cutting, shall be charged. The charges shall be set forth in a statement to the Village Clerk-Treasurer 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 30 days thereafter, the Village Clerk-Treasurer 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 § 66.0907(3)(f), Wis. Stats.⁴

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).