

ORDINANCE NO. 2021- 03

**AN ORDINANCE TO REPEAL SECTION 18-68 (b) (6) OF THE
TOWN ORDINANCES REGULATING NOXIOUS WEEDS
AND TO REPEAL AND RECREATE SECTION 18-46
OF THE TOWN ORDINANCES REGULATING PROPERTY MAINTENANCE,
NOXIOUS WEEDS AND RANK GROWTH OF VEGETATION**

THE TOWN BOARD OF TOWN OF IXONIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

REPEAL OF SECTION 18-68 (b) (6)

Section 18-68 (b) (6) of the Ixonia Town Code is repealed in its entirety. Sections 18-68 (b) (7) through (11) are renumbered as Sections 18-68 (b) (6) through (10).

SECTION II:

REPEAL AND RECREATION OF SECTION 18-46

Section 18-46 of the Ixonia Town Code is repealed and recreated to provide:

18-46. Property Maintenance, Noxious Weeds and Rank Growth of Vegetation

- (a) *Property Maintenance.* All exterior property areas within the town shall be properly maintained in a clean and sanitary condition, free from debris, rubbish, junk or garbage, physical hazards, rodent harborage and infestation and animal feces. The building inspector shall enforce this section. This section may be enforced by use of municipal citation or by any other procedure authorized by law.
- (b) *Noxious Weeds.* Sections 66.0407 and 66.0517, Wis. Stats., are incorporated herein by reference and made a part hereof as though set forth in full.
- (c) *Lawn Areas.* Lawns shall not be allowed to deteriorate to such a condition as to be a blighting influence on surrounding areas or adjoining premises. Lawns shall be kept free of unsightly debris, the accumulation of which has an adverse effect on the neighborhood or town property values or health, safety or general welfare.
- (d) *Responsibility for Terrace.* The owner or occupant shall be responsible for maintaining lawn areas as follows:

- (1) To the curb whether or not sidewalks have been installed.
 - (2) To the edge of the pavement or shoulder if the abutting street is of a rural design with no curb.
- (e) *Height Restriction.* Grass or weeds shall not exceed a height of 8 inches on any lawn area.
- (f) *Exemptions.* The height requirement of subsection (e) above shall not apply to the following:
- (1) Active farming operations.
 - (2) Non-noxious weeds and vegetation in wetland areas.
 - (3) Grass or non-noxious weeds in public parks or private property previously approved by the Town and designated to stay natural.
- (g) *Waiver.* The Weed Commissioner or the Commissioner's designee may waive the provisions of this section in whole or in part, when in the Weed Commissioner or the Commissioner's designee's opinion, an application for a waiver is justified relative to grasses and other plants. A waiver shall be granted if the waiver will not detract from the aesthetics of an area, shall not create a nuisance, and shall not otherwise detract from the health, safety and welfare of the neighbors and community, and for other reasons in the sole judgment of the Weed Commissioner.
- (f) *Enforcement.* If the owner of lands in the Town fails to destroy noxious weeds or permits weeds or grasses to grow to a height of 8 inches, except as allowed by the Weed Commissioner or the Commissioner's designee, the Weed Commissioner or the Commissioner's designee shall mail a written notice to the owner or occupant of such premises stating such weeds and grasses have obtained a height of 8 inches and shall be cut within a time set by the Weed Commissioner or the Commissioner's designee. The notice shall be sent by first class mail, postage prepaid. If such owner or occupant fails to cut such weeds and grasses within the time set in the notice, the Weed Commissioner or the Commissioner's designee is authorized to enter onto the property and cause the weeds and/or grasses that are in violation of the section to be cut or mowed to conform with the requirements of this section. The Weed Commissioner or the Commissioner's designee shall keep an accurate account of the expenses of such cutting or mowing and shall bill the property owner for the Town's expense. The property owner will be billed for Town expense and in the event of nonpayment the charges shall be placed on the tax roll pursuant to §66.0627, Wis. Stats. In addition to such special charge, the owner of the premises is subject to a forfeiture for violation of this provision.

SECTION III – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION IV – EFFECTIVE DATE

This ordinance is effective upon publication or posting. The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Published and/or posted this ____ day of _____ 2021.

Perry T. Goetsch, Chairman

Nancy J. Zastrow, Town Clerk/Treasurer