

**Chapter 8.48
Weeds**

Sections:

- 8.48.010 Mowing required.**
- 8.48.020 Mowing by village.**

8.48.010 Mowing required.

No person owning property within the village of Oakfield shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding one foot in height. (Prior code § 10.11(1))

8.48.020 Mowing by village.

It shall be the duty of the weed commissioner to enforce this chapter and if any person shall fail to comply herewith the commissioner shall, after five days' written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the village clerk in the manner provided in WSA 66.98. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as the other taxes unless such lands are exempt from taxation. (Prior code § 10.11(2))

**Chapter 8.49
Natural Lawns**

Sections:

- 8.49.010 Natural Lawns Defined.**
- 8.49.020 Natural Lawn Management Plan Defined.**
- 8.49.030 Application Process.**
- 8.49.040 Application For Appeal.**
- 8.49.050 Safety Precautions For Natural Grass Areas.**
- 8.49.060 Revocation Of An Approved Natural Lawn Management Plan Permit.**
- 8.49.070 Public Nuisance Defined - Abatement After Notice.**
- 8.49.080 Penalty.**

8.49.010 Natural Lawns Defined.

A. Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed twelve (12) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8.28.020 of this Chapter and further defined in Wis. Stats 66.0407 (1)(b). The growth of a natural lawn in excess of twelve (12) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section.

B. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

C. Natural lawns shall not exceed 50% of the available green space on a property.

D. Natural lawns must be established behind the building on a property. Natural lawns in the front or side yard are prohibited.

8.49.020 Natural Lawn Management Plan Defined.

A. Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed twelve (12) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.

B. Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.

Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed on current tax records, who are the owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the

copies of the complete application to the neighboring properties, the Village receives written objections from 51 percent or more of the neighboring property owners, the Village Clerk shall deny the application. The term "neighboring property owners" mean all those property owners who are located within 300 feet of the proposed natural lawn site.

C. Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

8.49.030 Application Process.

A. Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a non-refundable filing

fee as determined by the current fee schedule will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. Postage costs will be the responsibility of the Applicant. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Clerk shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

B. If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Board shall issue permission to install a natural lawn.

8.49.040 Application For Appeal.

The property owner may appeal the Village Board's decision to deny the natural lawn permit request at an open regular board meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

8.49.050 Safety Precautions For Natural Grass Areas.

A. When, in the opinion of the Fire Chief of the Department serving the Village of Oakfield, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire

Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.

B. Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby ensuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

8.49.060 Revocation Of An Approved Natural Lawn Management Plan Permit.

The Village President, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn

Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.

**8.49.070 Public Nuisance Defined-
Abatement After Notice.**

A. The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.

B. If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Police Department may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.

C. The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.

8.49.080 Penalty.

A. 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 penalty found in Section 1.20

B. In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.