

**Chapter 94**  
**BRUSH, GRASS AND WEEDS**

§ 94-1. Destruction of noxious weeds.

§ 94-3. Regulation of length of lawn and  
grasses.

§ 94-2. Regulation of natural lawns.

[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 6, Ch. 1, Secs. 6-1-5 through 6-1-7, of the 1996 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 186.

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**§ 94-1. Destruction of noxious weeds.**

- A. The Village Clerk-Treasurer shall annually on or before May 15 publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the village which he or she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the village shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five-day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Section 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five-day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of bulging and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- C. As provided for in Sec. 66.96(2), Wis. Stats., the village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin.
- (1) Noxious weeds, as defined in this section and in § 94-3, shall include but not be limited to the following:
- Cirsium Arvense (Canada Thistle)  
Ambrosia artemisiifolia (Common Ragweed)

*Ambrosia trifida* (Great Ragweed)  
*Euphorbia esula* (Leafy Spurge)  
*Convolvulus arvensis* (Creeping Jenny) (Field Bind Weed)  
*Tragopogon dubius* (Goat's Beard)  
*Rhus radicans* (Poison Ivy)  
*Cirsium vulgaries* (Bull Thistle)  
*Pastinaca sativa* (Wild Parsnip)  
*Arctium minus* (Burdock)  
*Xanthium strumarium* (Cocklebur)  
*Amaranthus retroflexus* (Pigweed)  
*Chenopodium album* (Common Lambsquarter)  
*Rumex Crispus* (Curled Dock)  
*Cannabis sativa* (Hemp)  
*Plantago lanceolata* (English Plantain)

- (2) Noxious grasses, as defined in this section and in § 94-3, shall include but not be limited to the following:

*Agrostia alba* (Redtop)  
*Dactylis glomerata* (Orchard)  
*Phleum pratensis* (Timothy)  
*Poa pratensis* (Kentucky Blue)  
*Sorghum halepense* (Johnson)  
*Setaria* (Foxtail)

- (3) Noxious weeds are also the following plants and other rank growth:

Ragweed  
 Thistles  
 Smartweed  
 Dandelions (over 10 inches in height)  
 Milkweed (over 10 inches in height)

#### § 94-2. Regulation of natural lawns.

- A. Natural lawns defined. "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 eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in § 94-1 of this chapter. The growth of a natural lawn in excess of eight 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. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- B. Natural lawn management plan defined.
- (1) "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 eight 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.

- (2) 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 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 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.
- (3) 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-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer 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-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-foot section abutting the neighboring property owner within 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-foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

C. Application process.

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a nonrefundable filing fee of \$25 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 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 property owners the village receives written objections from 51% or more of the neighboring property owners, the Village Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all

those property owners who are located within 300 feet of the proposed natural lawn site.

- (2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51% of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn.
- D. Application for appeal. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within 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.
- E. Safety precautions for natural grass areas.
- (1) When, in the opinion of the Fire Chief, 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 days upon receiving written direction from the Fire Chief.
  - (2) 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 \$300,000.
- F. 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 Health and Public Welfare Committee. All applications for appeal shall be submitted within 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 15 calendar days shall result in the revoking of the natural lawn management plan permit. All written applications for appeal filed within the fifteen-calendar-day requirement shall be reviewed by the Health and Public Welfare Committee in an open meeting. The Health and Public Welfare Committee shall make a recommendation to the Village Board. The decision rendered by the Village Board shall be final and binding.
- G. Public nuisance defined; abatement after notice.

- (1) 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.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within 10 days, the Enforcement Officer 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 10 calendar days from receipt thereof. Within 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.
- (3) 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.

#### H. 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 penalty found in Chapter 1, General Provisions, § 1-17.
- (2) 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.

#### \*§ 94-3. 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.
- B. Public nuisance declared. The Village Board finds that lawns, grasses and noxious weeds on 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 lawn, grass or weed is part of a natural lawn approved pursuant to § 94-2 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 or her within the village.

- D. Inspection. The Weed Commissioner or his or 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.
- (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection B above exists, he or she shall immediately cause written notice to be served that the village proposes to have the lot grass or lawn cut so as to conform with this section and § 94-1.
  - (2) The notice 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 or she is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- F. Due process hearing. If the owner believes that his or her grasses or weeds are not a nuisance, he or she 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 Weed Commissioner's notice. 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 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 Board. At the hearing, the owner may appear in person or by his or her attorney, may present witnesses in his or her own behalf and may cross-examine witnesses presented by the village as well as subpoena witnesses for his or her 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 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 same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.
- G. 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 or her 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:
- (1) The written notice required in Subsection E shall inform said person that in the event of his or her 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.
  - (2) 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 as established by resolution by the Village Board. 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 Section 66.615(3)(f), Wis. Stats.

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