

§ 245-3. 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 of Hustisford.
- B. Public nuisance declared. The Village Board finds that lawns, grasses and noxious weeds on nonagricultural lots or parcels of land, as classified under Chapter 325, Zoning, of this Code, within the Village of Hustisford 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 nonagricultural 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 § 245-2 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 within the Village.
- D. Inspection. The Public Works Superintendent 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 in Subsection B above exists.
- E. Notice.
- (1) If the Public Works Superintendent shall determine with reasonable certainty that any public nuisance as defined in Subsection B above 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 section and § 245-2.
 - (2) The notice shall be served at least **24 hours** 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 is not known and there is a tenant occupying the property, then on the tenant of the time and place at which the hearing will be held.
- F. Due process hearing. If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Zoning Board of Appeals. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the **24 hours** set forth in the Public Works Commissioner's notice. Upon application for the hearing, the property owner must deposit a bond for \$50. If a decision is rendered in the property owner's favor, the \$50 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 Zoning Board of Appeals 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 Zoning Board of Appeals. 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 Zoning Board of Appeals shall make its determination in writing specifying its findings, facts, and conclusions. If the Zoning Board of Appeals determines that a public nuisance did exist, the Zoning Board of Appeals shall order the Public Works Superintendent to mow the property in question unless the property has been mowed by the owner within 48 hours of the Zoning Board of Appeals' decision. If the owner does not abate the nuisance within the described 48 hours, the Public Works Superintendent shall cause the same nuisance to be abated and the 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 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 failure to abate the nuisance within the **24 hours**, 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 minimum charge of \$200 for the first hour and \$100 per hour for any portion of any additional hours. **If the Village must cut a property more than 2 times in a calendar year, the minimum charge will go to \$400 for the first hour for any more occurrences in that calendar year and \$100 per hour for any additional hours.** If services are contracted out by the Village, the charge will be the cost of the contractor's bill plus an additional administrative cost of 50% of the bill. 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 § 66.0627, Wis. Stats.7
 - (3) Grass and weeds within a public right-of-way, not kept properly mowed by the adjacent property owner, may be mowed by the Village and the cost thereof charged to the adjacent property owner pursuant to § 66.0627, Wis. Stats.