

**TOWN OF COTTAGE GROVE
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Town Board of the Town of Cottage Grove will hold a public hearing at 7:00 p.m. on Monday, July 17, 2023, at the Cottage Grove Town Hall, 4058 County Road N, to receive public comments on proposed amendments to Chapter 11 Public Nuisances regarding enforcement of noxious weeds.

All interested parties are invited to attend said hearing and be heard. After the public hearing, the Town Board will consider adoption of the proposed amendments to Chapter 11. The proposed amendments are attached or available for viewing at the Town Hall, 4058 County Road N, Cottage Grove, WI. Any person who has a qualifying disability, as defined by the Americans With Disabilities Act, who requires the meeting or materials at the meeting to be in an accessible location or format must contact the Town Clerk-Treasurer at (608) 839-5021 or clerk@tn.cottagegrove.wi.gov at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

Kim Banigan, Clerk-Treasurer
Town of Cottage Grove
Posted 07-13-2023

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN
Adopted Pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: ORDINANCE 2023-07-17b AMENDING SECTIONS 11.05, 11.09, 11.10

Code Section(s) created, amended, or repealed:	<u>11.05, 11.09, 11.10</u>
Presented to Board by	<u></u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>July 17, 2023</u>
Date Adopted	<u></u>
Vote	<u></u>
Date of posting of adoption of ordinance	<u></u>
Date of publication of adoption of ordinance	<u>Not Required</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

Section 1. TCG Ord. Section 11.05(1)-(2) is hereby amended as follows:

11.05 CONTROL OF NOXIOUS AND NUISANCE WEEDS

(1) DEFINITIONS

(a) "Noxious weeds" means the following: Canada thistle, leafy spurge, field bindweed (creeping Jenny), cannabis (marijuana/hemp), and any other such weeds as may be specified in § 66.0407(1)(b), Stats.

(1) "Noxious weeds" shall also include, when present on parcels zoned for residential use or located in a platted subdivision, any grasses kept as a residential lawn that exceeds 6 inches in length.

(b) "Nuisance weeds" means any non-native member of the genus Lythrum (purple loosestrife) or hybrids thereof, or multiflora rose.

(c) "Weed Commissioner" means the person designated by the Town Chair, under § 66.0517 Wis. Stats.; having the duties and powers specified in (2)(c) and (2)(d), and § 66.0517 Wis. Stats.

(2) WEED COMMISSIONER

(c) The Weed Commissioner shall review any claim that a growth of nuisance weeds has become a public nuisance, *and if determined to constitute a public nuisance, shall* take action to ensure that the nuisance is abated. The control of nuisance weeds, *if determined to be a public nuisance,* shall follow the procedure for the destruction of noxious weeds, described in § 66.0517 Wis. Stats.

(1) When the noxious weed in question includes grass kept as a residential lawn, the Weed Commissioner may, in lieu of destruction, punish a violation of this ordinance by imposing a Class D forfeiture pursuant to § 25.04.

Section 2. TCG Ord. Section 11.09(6) is hereby amended as follows:

11.09 PROPERTY MAINTENANCE

- (6) PROPERTY MAINTENANCE RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS.

(n) No owner of property zoned for residential use or located in a platted subdivision shall allow grasses kept as a residential lawn to exceed 6 inches in length.

Section 3. TCG Ord. Section 11.10 is hereby amended as follows:

11.10 ENFORCEMENT AND PENALTIES

- (2) NON COMPLIANCE – REMEDY OF DEFECTS; ABATEMENT.

- (b) Nonsummary abatement

1. Order to abate nuisance. If the Town Building Inspector determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, he/she shall issue an order reciting the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the building as well as the occupant, if different from the owner and applicable to the described nuisance, or at the option of the Town Building Inspector, the notice may be mailed to the last known address of the person to be served by registered mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a class 3 notice under Ch. 985, Wis. Stats. The time limit specified in the order runs from the date of service or publication. *Public nuisances that are created by the accumulation of weeds, snow, or ice, shall have a time limit of 10 days.*
2. Abatement by the Town. If the owner or occupant fails or refuses to comply within the time period prescribed, the Town Building Inspector shall enter upon the premises and cause the nuisance to be removed or abated, and the Town shall recover the expenses incurred thereby from the owner or occupant of the premises or from the person who has caused or permitted the nuisance.
3. Remedy from order. Any person affected by such order shall, within 30 days of service or publication of the order, apply to the circuit court for an order restraining the Town and the Town Building Inspector from entering on the premises and abating or removing the nuisance or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.
 - a. *If the public nuisance is created by the accumulation of weeds, snow, or ice, any person affected shall apply to the circuit court for an order restraining the Town and the Town Building Inspector within 10 days of service or publication of the order or be forever barred.*

Section 4. All other terms and provisions of Section 11 shall remain in full force and effect unless specifically modified herein.

Section 5. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by this 17th day of July on a vote of ___ to ___ with ___ abstentions.

Town of Cottage Grove

By: _____
Kris Hampton, Town Chair

Attest: _____
Kim Banigan, Town Clerk-Treasurer

DRAFT