

**TOWN OF ELDORADO  
FOND DU LAC COUNTY, WISCONSIN**

**AMENDMENTS TO ORDINANCE REGULATING LENGTH OF LAWNS AND  
GRASSES**

The Town Board of the Town of Eldorado does hereby ordain the following amendments to the Town's Ordinance Regulating Length of Lawns and Grasses:

Section 1. Regulation of Length of Lawn and Grasses is repealed and recreated as follows:

**SECTION 1. NOXIOUS WEEDS AND MAINTENANCE OF VEGETATION.**

1) **PURPOSE.** It is the purpose of this Ordinance to prohibit the uncontrolled growth of vegetation and to control noxious weeds, while permitting the planting and maintenance of planned natural landscaping that adds diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interest to provide standards regarding the maintenance of vegetation because vegetation that is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interest to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities which can be economical, low maintenance and effective in soil and water conservation. The Town enacts this Section to balance these competing interests.

**2) DEFINITIONS.**

- (a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.
- (b) "Garden" means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a well-defined location.
- (c) "Native Plants" means those grasses (including prairie grasses), sedges (solid, triangular stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to or naturalized to the state of Wisconsin. Native plants do not include weeds.
- (d) "Noxious Weeds" means any plant listed under §§ 23.235(1)(a) or

66.0407(1)(b), Wis. Stats., and shall also include arctium spp. (burdock), cirsium and carduus spp. (thistle), ambrosia spp. (ragweed), alliaria petiolata (garlic mustard), plantage lanceolate (buckhorn), and poison ivy.

- (e) "Ornamental Grasses and Groundcovers" means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds.
- (f) "Planned Natural Landscaping" means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care duties. Planned natural landscaping does not include gardens.
- (g) "Rain Garden" means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.
- (h) "Turf Grasses" means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.
- (i) "Unmanaged Plant Growth" means any grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over 8" but does not include:

1. Gardens,
2. Plants located on agricultural land, as classified under the Zoning Code,
3. Plants located on shoreland within 35 feet of the ordinary high-water mark,
4. Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas, or
5. Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained.

### **3) CONTROL OF NOXIOUS WEEDS AND UNMANAGED PLANT GROWTH**

- (a) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land and shall cut and remove any unmanaged plant growth on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands and shall cut and remove any unmanaged plant

growth on the land.

(b) **Public Nuisance Declared.** The Town Board finds that noxious weeds, or unmanaged plant growth on parcels of land which exceeds the required height is (2) (i) above, affect the public health and safety and constitute 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 Town. For those reasons, any noxious weeds or unmanaged plant growth is hereby declared to be a public nuisance, except for the exceptions in (2) (i) above.

(c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (3)(b) above to remain on any premises owned or controlled by that person within the Town.

(d) **Inspection.** The Weed Commissioner or the Town Board's designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Subsection (3)(b) above exists.

(e) **Abatement of Nuisance.** If the Weed Commissioner or the Town Board determines that any public nuisance as defined in Subsection (3)(b) above exists, he/it shall immediately cause written notice to be served that the Town proposes to have the unmanaged growth cut so as to conform with this Section.

(f) **Due Process Hearing.** If the owner believes that his or her unmanaged growth or noxious weeds are not a nuisance, he or she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within five (5) days as set forth in the notice. Upon application for the hearing, the property owner must deposit a \$100.00 bond. If a decision is rendered in the property owner's favor, the \$100.00 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 Town personnel abating the nuisance, if necessary. Any remaining funds will be refunded to the owner. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner or the Board's designee to destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth within forty-eight (48) hours of the Town Board's decision. If the owner does not abate

the nuisance within the described forty-eight (48) hours, the Town shall cause the nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

**(g) Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth as set forth above, then, and in that event, the Town may elect to destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth cut said noxious weeds and unmanaged plant growth as follows:

- (1) The written notice required in Subsection (3) (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
- (2) The Town shall destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk 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 thirty (30) days thereafter, the Town Clerk shall enter the charges in the tax roll as a special charge against said parcel of land, and the same shall be collected as provided under Sec. 66.0627, Wis. Stats.

## **(5) PLANNED NATURAL LANDSCAPING**

(a) Any person wishing to maintain a planned natural landscaping area on their property shall submit a written plan to the Town Board relating to the management and maintenance of a landscape which meets the following requirements:

- (1) Street address or legal description of the property where the proposed planned natural landscape is being requested.
- (2) A statement of intent and purpose for the planned natural landscape.
- (3) A detailed description of the types of plants and plant succession involved.
- (4) Specific management and maintenance techniques to be employed.

### **(b) Plan and Permit Required; Restrictions.**

- (1) The growth of planned natural landscapes in excess of eight inches in height shall be prohibited within the Town, unless a natural

landscape management plan is approved and a permit is issued by the Town as set forth in this article.

(2) Proposed planned natural landscaping is to be confined to property owned by the applicant according to current Town Assessor's records.

(3) Planned natural landscaping on any Town-owned property within any street right-of-way is strictly prohibited. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.

(4) Planned natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.

(5) The property owner shall submit to the Town Board a drawing, plot plan and/or survey which will show the location of the planned natural landscape area on the applicant's property.

(6) All property owners who currently have planned natural landscapes must file for a permit and submit a plan to be covered by this Section.

(7) Planned natural landscaping is to be cut to a maximum height of 8" once annually by July 15th.

(8) Planned natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Town Board or the Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the natural landscape within three days upon receiving a written letter from the Town Board or the Weed Commissioner.

**(c) Application for natural landscape permit.** Property owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Town Board. All plans received will be reviewed by the Town Board for permit approval. The property owner will be notified in writing by the Town of approval or denial. If no notification is received within 45 days of the property owner's initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Town Clerk's office for future reference.

(d) **Compliance Enforcement.** Enforcement will be upon written complaint by at least one adjoining owner and filed with the Town Board. Upon receipt of a written complaint, the permitted property will be inspected by the Town Board's designee or Weed Commissioner. If the permitted property is determined to be in violation of this section, the property owner shall be notified by the Town Board or the Weed Commissioner by written notice to correct specific violations within 15 days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the Town shall order the property mowed, and the property owner will be billed at the current rate for every hour worked, and the permit shall be revoked.

The Town Clerk and Town Attorney are hereby authorized and directed to make all changes within the text of the Town of Eldorado's Ordinance Regulating Length of Lawns and Grasses necessary to reflect the amendments described above.

Dated this 24 day of June, 2019.

TOWN OF ELDORADO

By: Gary L. Miller  
Gary Miller, Chairperson

Attest: Karen Fontaine  
Karen Fontaine, Clerk