

The Village Board of the Village of De Soto, WI do ordain as follows:

SECTION 1: PROVISIONS

- A. The provisions of this Ordinance are severable. In the event any portion hereof is found to be void, unenforceable, or unconstitutional by a court of competent jurisdiction, said finding shall not affect the enforceability of any remaining provision of this Ordinance which shall continue in full force and effect.
- B. In the event any provision of this Ordinance is in conflict with any existing provision of the Village Ordinances, to the extent of such conflict, this Ordinance shall control. Any provision in conflict herewith is hereby repealed.

SECTION 2: LAWN AND YARD MAINTENANCE

- A **PURPOSE:** A variety of landscapes add diversity and richness to the quality of life in the Village. There are nonetheless, reasonable expectations regarding the Village's landscapes, which, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten the public health and safety. It is therefore in the public interest and within the purview of this legislation, to provide standards for the development and maintenance of the Village's landscapes, whether private, corporate, or public.

The Village recognizes the landowner's interest in having managed turf grass landscapes. At the same time, the Village encourages the preservation, restoration, and management of native plant communities and wildlife habitats within the Village limits. The Village recognizes that the use of wild flowers and other native plants in managed landscapes is economical, reduces maintenance, and effectively conserves water, soil and other elements of the natural community. Moreover, the preservation, restoration, and management of native plant communities and wildlife habitats may preclude the introduction of toxic pesticides, herbicides, fertilizers, and other pollutants in the environment.

The Village further acknowledges the need to enjoy and benefit from the variety, beauty, and practical values of natural landscapes, and seeks to grant citizens the freedom to employ varying degrees of natural landscaping as viable and desirable alternatives to other conventional modes of landscaping.

The Village seeks to encourage each landowner to create and sustain a condition of ecological stability on his or her land that is a state of good health and vigor. It is not the intent of this ordinance to allow vegetated areas to be unmanaged or overgrown in ways that may adversely affect human health or safety, or pose a threat to agricultural activity. It is the express intent of this Village that it shall be lawful to grow native plants, including, but not limited to ferns, grasses, forbs, aquatic plants, trees, and shrubs in a landscape when these plants were obtained not in violation of local, state or federal laws.

- B **DEFINITIONS:** The following terms shall have the stated meanings.
 - 1. **BRUSH** – Any woody material up to three (3) inches in diameter at the base.
 - 2. **DESTROY** – The complete killing of weeds or weed plants at such time and in such manner to effectually prevent such plants from maturing to bloom or flower stage, as set form in WI Stats Section 66.96.

3. **LANDOWNER** – A person who owns or controls lands within the Village of De Soto, WI.
4. **NATURAL LANDSCAPING** – Any lands managed to preserve or restore native WI Grasses and forbs, native trees, shrubs, wildflowers and aquatic plants; and old field succession of native and non-native plants; or a combination of these.
5. **NOXIOUS WEEDS** – The following plant species are defined as noxious weed as defined in WI Stats. Section 66.96: Canada Thistle (*Cirsium Arvense*); Field Bindweed (Creeping Jenny, *Convolvulus Arvensis*); and Leafy Spurge (*Euphorbia Esula*).
6. **PERSON** – An individual, association, corporation, municipality, governmental organization, partnership, limited liability company, limited liability partnership, and any other entity.
7. **TURF GRASS** – A grass commonly used in regularly cut lawns or play area, including, but not limited to bluegrass, fescue, and ryegrass blends.
8. **UNDIVIDED PLATTED LAND** – Land that is platted land not subdivided into lots for development.
9. **LAND NOT PLATTED** – Land that is not included in a subdivision.
10. **VACANT LOT**- A lot within a subdivision that has not been developed.
11. **VISION TRIANGLE** – The area at a corner of a property where two streets intersect.
12. **WEED COMMISSIONER** – One or more persons appointed by the Village President from time to time as commissioner of noxious weeds pursuant to WI Stats. Section 66.97.
13. **WOOD** – Any part of a tree greater than three (3) inches in diameter.
14. **WOODED AREAS** – Any property, whether developed or otherwise, which contains tree cover, as determined by the Weed Commissioner or his/her designee. Wooded areas are not subject to the maintenance requirement of this section exempt for the destruction of noxious weeds.

C LANDOWNER’S RIGHTS AND RESPONSIBILITES

1. The Vernon/Crawford County Clerk or the Village Clerk shall annually on or before May 15th publish, as required by WI Stats Section 66.96 a notice hat every person owning, occupying or controlling land located in the Village, without regard to its level of development, is required by law to destroy all noxious weeds throughout the growing season. The notice shall specify the noxious weeds.
2. This ordinance shall apply equally to all landowners, including the Village of De Soto.
3. Every landowner having lawns of the conventional turf grass type shall be responsible for managing the turf grass at a height not to exceed eight (8) inches during the growing season.
4. Every landowner shall be responsible for the destruction of all noxious weeds on land which the landowner shall own or control.
5. Notwithstanding the foregoing, land not platted is not subject to Section (c) (3).
6. Notwithstanding anything to the contrary herein, undivided platted land is not subject to Section (c) (3).

7. Vacant lots shall be maintained during the growing season to a height not to exceed eight (8) inches unless the lot is being maintained as a preservation or restorative area.

D MAINTENANCE OF DEVELOPED PROPERTIES:

Landscaping, plantings and other decorative surface treatments, including turf grass, shall be installed and maintained on developed property and all turf grass shall be cut between May 15 and October 15. Dead Tree or brush limbs shall be removed from the property.

E MAINTENANCE OF VACANT LOT PROPERTIES:

The village is requiring that all vacant and undeveloped lots be mowed at a minimum of two times a year. Mowing shall be done once between May 15th and June 15th and once between August 1st and September 30th. If mowing is not done by June 15th, the village will mow the lot and bill the owner.

F MAINTENANCE OF NATURAL LANDSCAPING:

A landowner may choose to develop natural landscaping subject to the following regulations.

1. Noxious weeds shall be controlled in accordance with Section 2(C) above.
2. Naturally landscaped properties shall be managed in a healthy and vigorous condition, as opposed to one of impairment and decline. Properties shall not be unmanaged and overgrown in ways that adversely affect human health and safety.
3. A landowner who does not comply with this section shall be in violation. The Weed Commissioner shall issue a notice to comply. If the conditions of the notice are not met within the stated time frame, the Weed Commissioner may order the property to be cleaned, leveled and mowed to comply with this ordinance.
4. Where there is a disagreement with the Village and the landowner in regard to the appropriateness of locating a plant species in natural landscaping, the landowner shall show proof of the appropriateness of the plant species.
5. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways or to interfere with the vision triangle area.

G ENFORCEMENT:

ORDER OF WEED COMMISSIONER: The weed commissioner is hereby authorized to order an area be mowed or maintained consistent with this ordinance in the event he/she determines the height of a yard or grass area poses an unreasonable risk from fire or health which threatens the safety and welfare of the area and its surrounding neighborhood. Such order may be issued orally or in writing. The landowner shall comply with the order within THIRTY (30) DAYS unless a shorter or longer time is provided in a written order.

SECTION 3: VILLAGE

- A. One or more Commissioners of noxious weeds shall be appointed by the Village President pursuant to the terms of WI Stats. Section 66.97 with the duties and powers set forth in WI Stats. Section 66.98.
- B. Except as otherwise set forth herein, the Weed Commissioner shall send a notice providing for enforcement of this ordinance to the address of the landowner as

shown on the Assessor's records. The landowner shall then have thirty (30) days to rectify the problem.

- C. The notice to the landowner shall be sent by mail. The notice shall contain specific comments for compliance, the name and telephone number of a contact person for the Village, the amount of time to complete the work and the approximate charges that will be billed to the landowner if the Village does the work.
- D. In the case of an immediate threat to the public health and safety, no prior notice shall be necessary. In that event, the Village shall rectify the problem as soon as practicable.
- E. The Weed Commissioner shall report the cost thereof in writing to the Village Clerk in the manner provided in WI Stats Section 66.98. The Weed Commissioner may waive the five (5) day deadline in case of dispute over the appropriateness of landscaping. This waiver does not apply to noxious weeds or rulings by the Weed Commissioner.
- F. The actual costs of the work needed to bring property into compliance, together with the costs of enforcement and administration, shall be billed to the landowner. Such costs shall be placed on the tax roll as special tax to be collected in the same manner as to her taxes unless such lands are exempt from taxation.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect from and after its passage and posting as required by law and supersedes any other versions. Any person, place or thing that pertains to this ordinance and/or preexisted before this ordinance takes effect, shall be included and enforced in this ordinance.

AMENDED AND APPROVED 04/11/2001 AND 10/6/2006.

PASSED AND APPROVED THIS 6th DAY OF October, 2006

Village President *Chris Mussatti*
Chris Mussatti

ATTEST: *Carrie A. Brudos*
Carrie A. Brudos, Village Clerk

POSTED: 10-12-06