

ORDINANCE NO. 22-01

AN ORDINANCE REPEALING AND RECREATING CHAPTER 5 OF THE MUNICIPAL CODE

The Common Council of the City of Platteville do ordain as follows:

Section 1. Chapter 5 - Health is hereby repealed and recreated as follows:

CHAPTER 5

HEALTH AND PROPERTY MAINTENANCE

5.01 WEEDS AND LAWN MAINTENANCE.

1) **PURPOSE.** It is the purpose of this Section to prohibit the uncontrolled growth of vegetation and to eradicate noxious weeds, while permitting the planting and maintenance of planned 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 interests to provide standards regarding the maintenance of vegetation because vegetation which is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interests to encourage diverse landscaping treatments, particularly those that encourage the reservation, restoration, and management of native plant communities which can be economical, low-maintenance and effective in soil and water conservation. The City 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) **Lawn/turf grass.** An area of soil-covered land near buildings that is primarily planted with a mixture of grasses consisting of Kentucky bluegrass, ryegrass and fescues, and that is regularly mowed and used for aesthetic and recreational purposes.
- c) **Noxious Weed.** The term "noxious weeds" as used herein shall include the following and shall also include any plants identified in Wis. Stats. Sections 23.235 and 66.407:

Common Name - Scientific Name

Black nightshade - *Solanum nigrum* Bittersweet nightshade - *Solanum dulcamara*

Bull thistle - *Cirsium vulgare*

Burdock - *Articum*

Canada thistle - *Cirsium arvense*

Common cocklebur - *xanthium strumarium*
 Field bindweed or creeping jenny - *Lysimachia nummularia*
 Giant hogweed - *Heracleum mantegazzianum*
 Grecian foxglove - *Digitalis lanata*
 Jimsonweed - *Datura stramonium*
 Leafy spurge - *Euphorbia esula*
 Lesser celandine or fig buttercup - *Ranunculus ficaria*
 Multiflora rose - *Rosa multiflora*
 Nettles - *Urtica dioica*
 Poison ivy - *Toxicodendron radicans*
 Poison oak - *Toxicodendron diversilobum*
 Poison hemlock - *Conium maculatum*
 Purple loosestrife - *Lythrum salicaria*
 Ragweed- common - *Ambrosia artemisiifolia*
 Ragweed - Giant - *Ambrosia trifida*
 Spotted knapweed - *Centaurea biebersteinii*, *Centaurea maculosa* or *Centaurea stoebe*
 Tansy or common tansy - *Tanacetum vulgare*
 Water hemlock – *Cicuta maculata*
 Whorled milkweed - *Asclepias verticillate*
 Wild hemp or marijuana - *Feral cannabis*
 Wild parsnip - *Pastinaca sativa*
 Yellow star thistle - *Centaurea solstitialis*

- (3) WEED COMMISSIONER. The Office of Weed Commissioner is hereby created. The powers and duties of the Weed Commissioner as set forth in this section are hereby conferred upon and combined with the Director of Public Works.
- a) The Weed Commissioner shall enforce this section of the Municipal Code, and if any person shall fail to comply herewith, the Weed Commissioner shall, after five (5) days written notice to the owner, cause the property to be mowed and/or noxious weeds destroyed, and report the cost thereof in writing to the City Clerk. The cost thereof shall be placed on tax rolls as a tax on the lands upon which such weeds, grasses, lawns or noxious weeds were cut, as set forth in Section 66.0517 of the Wisconsin Statutes.
- b) An administration charge, as set by resolution by the Common Council, shall be added to bills where the property owner fails to mow his property and thereby causes the City to perform the work and that any amount not paid within thirty (30) days shall bear interest at the rate of one percent (1%) per month until fully paid.
- (4) ADOPTION OF STATUTES. The provisions of Sections 66.0407 and 66.0517, as amended, of the Wisconsin Statutes relating to the regulation and control of weeds are hereby adopted by reference.
- (5) CONTROL OF NOXIOUS WEEDS. A person owning, occupying, or controlling property in the City shall destroy all noxious weeds on the land.

- (6) **CONTROL OF CREEPING CHARLIE.** No person owning, occupying, or controlling property in the City shall permit any growth of Creeping Charlie (*Glechoma hederacea*) within ten (10) feet of any property containing a residential dwelling unit.
- (7) **LAWN MAINTENANCE.** No person owning, occupying, or controlling property in the City shall permit or maintain any growth of lawns, turf grasses or weeds over eight (8) inches in height, measured from the ground surface, except those areas designated as follows:
 - a) Those areas more than 100 feet from property containing a residential dwelling unit.
 - b) All other areas more than 100 feet from a parcel containing a structure in use.

5.02 BURNING REFUSE. (Repealed)

5.03 GARBAGE AND REFUSE ACCUMULATIONS, JUNK VEHICLES. (a) No person owning, occupying, or controlling property in the City shall permit or allow any garbage, rubbish or refuse matter to accumulate on the premises so as to render the premises unsanitary, unsightly, or detrimental to public health or safety.

- (b) No person owning, occupying, or controlling property in the City shall permit or allow any junked or abandoned vehicle to be stored or parked on any premises in their control, except within a fully enclosed building. A vehicle shall be considered junked or abandoned if it is not licensed for the current license year or if it is not in operable condition for a consecutive period of 30 days. A vehicle which is not in compliance with Wisconsin Administrative Code - Standards for Vehicle Equipment (Chapter Trans 305) is not in operable condition.
- (c) If any person fails or neglects to remove any garbage, rubbish or refuse matter or any junked or abandoned vehicle on premises in their control after being requested to do so in writing by an official of the City of Platteville, the City of Platteville may have such garbage, rubbish or refuse or junked or abandoned vehicle removed from said premises and, in addition to any penalty provided for the violation of this section, the occupant or owner of said premises shall pay the cost of such removal, in addition to an administration charge as set by resolution of the Common Council, and that any amount not paid within thirty (30) days shall bear interest at the rate of one percent (1%) per month until fully paid.
- (d) No person owning, leasing, occupying or having charge of any premises shall place or allow to remain outdoors and exposed to the elements, any chair, sofa, bed, table or other related or similar furniture, which is not designed or intended for outdoor use and which may be susceptible to deterioration or which may provide a harborage for rodents. This section shall not apply to furniture which is placed outside as refuse for collection and disposal, or which is in an enclosed porch.

5.04 SWIMMING POOL FENCES. (a) No person, firm or corporation in possession of land in the City of Platteville, either as owner, purchaser under contract, lessee, tenant or licensee shall maintain a swimming pool thereon unless all the requirements of this section are complied with.

- (b) A swimming pool within the meaning of this section shall be any depression in the ground either temporary or permanent or a container of water either temporary or permanent and either above or below the ground in which water of more than twenty-four (24) inches in depth is contained and which is used primarily for the purposes of bathing and swimming.
- (c) Every person, every member of a partnership and every corporation that owns, directly or indirectly, or operates or uses or has custody or control of or has the right to use any swimming pool located in the City of Platteville shall erect and maintain a fence or barriers at least four (4) feet in height around such swimming pool and of such construction as to safeguard a child less than 10 years of age from falling into such swimming pool. All gates or other openings in such fence or barrier shall be of a self-latching nature and shall be closed and locked when the swimming pool is not in use.
- (d) All fences constructed in compliance with this section shall conform to all other ordinances in the City of Platteville relating to fences and shall be so constructed that no opening is allowed larger than 6 square inches. Fence structures must start not more than 3 inches above ground level.
- (e) Abandoned pools or unused pools which are not occupied or used for periods of 30 days or more shall be completely drained or equipped with a secure swimming pool cover capable of supporting an adult weighing 150 pounds.
- (f) All swimming pools existing at the time of the passage of this section shall comply with the terms of this section within 90 days after its passage and publication as required by law.

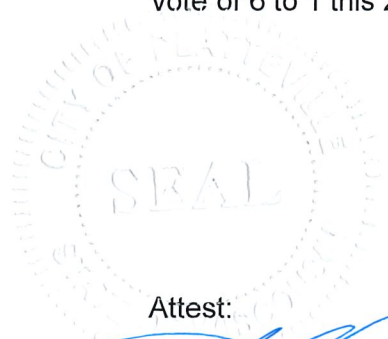
5.05 CLEAR WATER DRAINAGE. Any person owning, occupying, or controlling property in the City shall not allow or permit any drainage from roofs, patios, swimming pools, drain tiles, or any other clear water source into the sanitary sewer system of the City of Platteville. Under this section clear water sources shall be those sources of water wherein such water is not used for sewage purposes. If any dispute or disagreement of any kind exists as to whether any source of water is a clear water source, the Director of Public Works is hereby authorized and empowered to make the final decision on such question.

5.50 PENALTY AND ENFORCEMENT. (a) Forfeiture Penalty. The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

- (b) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Approved and adopted by the Common Council of the City of Platteville, on a vote of 6 to 1 this 25th day of January 2022.



CITY OF PLATTEVILLE,

By: Barbara Daus, Council President

Attest:

By: Candace Klaas, City Clerk