

Ordinance #60

An Ordinance for Removal of Vegetation from Sidewalks and Encroachment over Sidewalks within the City of Fountain City, WI

The Common Council of the City of Fountain City, Wisconsin do ordain as follows:

1. It is hereby made the duty of the owner of any building, or lot of land, bordering on any street in said City of Fountain City, where there is a sidewalk, to remove any weeds and vegetation from such sidewalk that is greater than 6 inches in height, or any accumulation of dead weeds, grass or brush, or any encroachment from trees, shrubbery or vines. Trees, shrubbery or vines need to be trimmed so they provide an 8-foot clearance over the sidewalk, 12 feet of clearance over a public street and to the width of the sidewalk. No person shall sweep into or deposit in any gutter, street or other public or private place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk and driveways abutting their premises clean and free of litter.

A. WEEDS defined. All rank, noxious, poisonous, harmful, unhealthful vegetation, deleterious to health, and shall include but is not limited to the following named plants:

- (1) Pigweed (*Amaranthus retroflexus*).
- (2) Russian Thistle (*Salsola pestifer*).
- (3) Ragweeds (*Ambrosia* spp.).
- (4) Lambsquarter. (*Kenopodium* spp.).
- (5) Kochia.
- (6) London Rocket (*Sisymbrium irio*).
- (7) Flix Weed (*Descurainia sophia*).
- (8) Tansy Mustard (*Descurainia pinnata*).
- (9) Spurge.
- (10) Silverleaf Nightshade (*Solanum elaeagnifolium*).
- (11) Puncture Vine.
- (12) Field Bind Weed (*Convolvulus arvensis*).
- (13) Purslane.

(14) Hoary Cress.

(15) Yellow Foxtail (*Setaria glauca*).

(16) Green Foxtail (*Setaria Viridis*).

B. The Mayor is hereby authorized and delegated the authority and duty to determine if any other plants, due to their unhealthy or dangerous attributes or consequences, should be placed on the list of weeds as defined herein and shall put such plants on said list if, after a hearing based on the evidence before he or she it appears that such plants do come within the meaning of the term weeds as hereinbefore set out.

C. Publication of general notice. A general notice for the removal of vegetation shall be published in the official newspaper prior to May 15 of each year. Failure to publish does not relieve any person from the necessity of full compliance of this ordinance.

D. Serving notices. Whenever the Public Works Department finds it necessary to secure prompt eradication or cutting and removal of weeds and/or grass, brush and rank vegetation, removal of accumulations or removal of encroachments, in individual cases or in the event of failure to comply with the general published notice, the Public Works Department, shall serve individual notices in writing upon the owner, giving specific instructions when and how the weeds and/or grass, brush and rank vegetation are to be cut and removed. The notice shall be served either personally or by first class mail to the last known address of the owner. A notice tag shall also be affixed to the door of any building situated on the property. Service on an owner living temporarily or permanently outside of the city whose property is vacant or unoccupied may be made by sending the notice by first class mail to the last known address of such person.

E. Failure to remove. If any owner upon whom the individual notice is served, fails to comply with the notice either by refusal or neglect to cut and remove such weeds and/or grass, brush and rank vegetation, removal of accumulations or removal of encroachments within 7 days after service of such notice, the Public Works Department shall cause such weeds and/or grass, brush and rank vegetation, accumulations or encroachments to be cut and removed.

F. Expense of removal-Collection. Actual costs of removal with be billed to the property owner and a statement of costs will be sent by first class mail to the property owner.

2. The penalty for a violation of Section (1) above shall be Seventy-Five and No/100 (\$75.00) Dollars and in addition, the violator shall be held liable for the payment of expenses incurred by the City of Fountain City, Wisconsin in removing the litter. All penalties and costs imposed as a result of a violation of any provision of this ordinance and all deposits shall be paid to the Fountain City Clerk-Treasurer, 42 N. Main Street, Fountain City, WI 54629. All persons who make cash deposits to cover payment and penalties and costs imposed for violations of this ordinance shall be given a receipt therefore.

3. Any person who violates a provision of this ordinance may be issued a citation by a law enforcement officer of the City of Fountain City, the City's Public Works employee, or the Public Works Committee Chair to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

This ordinance shall take effect and be in force from and after its passage, posting and/or public action as required by law.

Dated this 10 day of September 2019.

Bobbi Farrand, Mayor

Michelle Copley, Clerk-Treasurer

This ordinance was unanimously passed and adopted at a regular meeting of the Common Council of the City of Fountain City, Wisconsin, on September 10, 2019

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