

TOWN OF GRAND CHUTE

ORDINANCE, SERIES OF O-08-2016

AN ORDINANCE OF THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, AMENDING EXISTING CHAPTERS 398 AND 423 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BY REPEALING AND RECREATING SECTION 398-2(B)(6) PERTAINING TO PUBLIC NUISANCES, AND AMENDING SECTION 423-4, REPEALING AND RECREATING SECTION 423-7(I), AND CREATING SECTION 423-7(M) PERTAINING TO PROPERTY MAINTENANCE.

WHEREAS, Chapters 398 and 423 of the Town of Grand Chute Municipal Code regulate rank growth of vegetation and noxious weeds; and

WHEREAS, the Town of Grand Chute has determined the need to amend said Municipal Code to promote and clearly identify guidelines for implementing natural landscaping, while regulating rank growth of vegetation and noxious weeds; and

WHEREAS, when properly implemented and maintained, natural landscaping increases biodiversity, has a positive effect on soil and water conservation, and is an economical and low maintenance option.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 398 of the Code of General Ordinances is hereby amended by repealing and recreating Section 398-2(B)(6) as shown on the attached Exhibit "A".

BE IT FURTHER ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 423 of the Code of General Ordinances is hereby amended by amending Section 423-4, repealing and recreating Section 423-7(I), and creating Section 423-7(M) as shown on the attached Exhibit "B".

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provision or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 1 day of November, 2016.

Number Voted For 3

Number Voted Against 2

Approved as to form:

Tyler J. Charingbolt
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Town of Grand Chute

David A. Schowalter

David A. Schowalter
Town Chairman

Karen L. Weinschrott

Karen L. Weinschrott
Town Clerk

Exhibit "A"
TOWN OF GRAND CHUTE
ORDINANCE, SERIES OF O-08-2016

AN ORDINANCE OF THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, AMENDING EXISTING CHAPTER 398 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BY REPEALING AND RECREATING SECTION 398-2(B)(6) PERTAINING TO PUBLIC NUISANCES.

§ 398-2(B)(6) (As repealed)

~~All noxious weeds, grasses and other rank growth of vegetation.~~

~~(a) Noxious weeds and grasses shall be defined according to State Statute 66.0407.~~

~~(b) Lawns, grasses and weeds on lots or parcels of land which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, house rodents, or constitute a fire hazard and a safety hazard, in that debris can be hidden in the grass or weeds on a lot or other parcel of land which exceed eight inches in length. This subsection is not applicable for property located in a designated floodplain area and/or wetland area. This subsection shall only apply to properties where the designated land use is residential, commercial, and industrial as well as platted residential subdivisions.~~

§ 398-2(B)(6) (As recreated)

Noxious weeds, as defined in § 66.0407(1)(b) and § 23.235(1)(a), Wis. Stats., invasive species as defined in NR 40, Wis. Adm. Code, and rank growth of other vegetation, as defined in § 423-4 of the Town of Grand Chute Municipal Code that exceed 8 inches in height. Rank growth of vegetation and noxious weeds adversely impact public health and safety, and can decrease adjacent property values. This subsection applies to properties zoned or used for residential, commercial and industrial purposes, including vacant lots in platted subdivisions. Exceptions include gardens, cultivated flower beds, environmentally sensitive areas, and natural landscaping, as defined in § 423-4 of the Town of Grand Chute Municipal Code.

Exhibit "B"
TOWN OF GRAND CHUTE
ORDINANCE, SERIES OF O-08-2016

AN ORDINANCE OF THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, AMENDING EXISTING CHAPTER 423 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, BY AMENDING SECTION 423-4, REPEALING AND RECREATING SECTION 423-7(I), AND CREATING SECTION 423-7(M) PERTAINING TO PROPERTY MAINTENANCE.

§ 423-4. Definitions. (As amended to add definitions)

ENVIRONMENTALLY SENSITIVE AREA

Any lands designated as floodway, floodplain or flood storage area, and mapped wetland areas. Steep slopes equal to or greater than a 3:1 ratio, designated outlots, and areas within 75 feet of the ordinary high-water mark of any navigable stream are also included in this category.

GARDEN

A cultivated, well-defined area dedicated to growing vegetables, fruits, and annual or perennial plants. Also referred to as "cultivated flower bed".

NATIVE PLANTS

Plants and grasses native to the state of Wisconsin.

NATURAL LANDSCAPING

A planned, intentional and maintained area on a property that may include native plants, ornamental grasses and groundcovers, perennial plants, shrubs, trees, and rain gardens. No-mow grasses, that are intended to grow to lengths up to 12 inches and mound over as to not reach a height over 6 inches, are also included in this category

NOXIOUS WEEDS

See § 398-2 (B)(6) of the Town of Grand Chute Municipal Code.

ORNAMENTAL GRASSES OR GROUNDCOVERS

Grasses and groundcovers not indigenous to the state of Wisconsin, excluding turf grasses and noxious weeds.

RANK GROWTH

Vigorous and profuse growth of turf grass, noxious weeds, brush or other vegetation that exceeds 8 inches in height. Exceptions include gardens, cultivated flower beds, environmentally sensitive areas, and natural landscaping.

TURF GRASS

Any grass commonly used in groomed and maintained lawns or play areas, including Bluegrass, Fescue and Rye Grass blends, or other similar grasses.

§ 423-7(I) (As repealed)

~~Rank growth of vegetation and noxious weeds. All premises and exterior property shall be maintained free from rank growth of vegetation and noxious weed growth in excess of eight inches in height. Rank growth of vegetation and noxious weeds shall be defined as stated in State Statute 66.0407 and also include, without limitation, all grasses, annual plants and vegetation; however, this subsection shall not include cultivated flowers and gardens.~~

§ 423-7(I) (As recreated)

Rank growth of vegetation and noxious weeds. All premises and exterior property shall be maintained free from noxious weeds and rank growth of vegetation in excess of 8 inches in height. This subsection applies to properties zoned or used for residential, commercial and industrial purposes, including vacant lots in platted subdivisions. Exceptions include gardens, cultivated flower beds, environmentally sensitive areas, and natural landscaping.

§ 423-7(M) (As created)

Natural Landscaping. The purpose of this subsection is to promote the planting and maintenance of natural landscaping. It is in the public's interest to encourage diverse landscaping practices, particularly those that promote native plantings and natural landscapes. When properly implemented and managed, these treatments can increase biodiversity, have a positive effect on soil and water conservation, and be an economical and low maintenance landscaping option. Native plants also provide habitat, food, and shelter for native pollinators. Nothing in this subsection is intended to promote the rank growth of vegetation or noxious weeds. Rank growth of vegetation and noxious weeds adversely impact public health and safety, and can decrease adjacent property values. Planned natural landscaping is not intended to allow property owners to ignore proper maintenance duties. It is also not acceptable for property owners to simply stop maintaining the existing turf grass on their property. Implementation of natural landscaping does not preclude the requirements to provide landscaping as identified in § 535-52 of the Town of Grand Chute Municipal Code. In such instances, natural landscaping may be implemented in addition to those requirements.

- (1) Establishing Natural Landscaping. A natural landscaping permit application must be received and approved by the Town before a property owner can implement natural landscaping. Natural landscaping elements are to be planted through transplanting or seeding. Prior to implementing natural landscaping, turf grass and any noxious weeds are to be eliminated.
- (2) Required Setback. A setback area, consisting of regularly cut turf grass, trees, shrubs, mulch, wood chips or landscape stone must be maintained between the natural landscaping area and an abutting property line. The minimum setback distances are defined as:
 - (a) 3 feet from any adjoining side and rear lot lines. No setback is required on side or rear lot lines if any of the following conditions exist:
 - i. There is a sight-tight boundary fence in accordance with § 535-53 of the Town of Grand Chute Municipal Code.

- ii. The natural landscaping area abuts a neighboring planned natural landscaping area.
 - iii. The natural landscaping area abuts an environmentally sensitive area.
 - (b) On corner lots, the vision triangle area, as defined in § 535-47(A)(1) of the Town of Grand Chute Municipal Code, must be maintained.
- (3) Maintenance. Natural landscaping must be maintained throughout the growing season and remain free of noxious weeds. If prescribed burning techniques are used for maintenance, the requirements outlined in § 291-5(M) of the Town of Grand Chute Municipal Code must be followed.