

**CITY OF KAUKAUNA  
ORDINANCE NO. 1910-2024**

**ORDINANCE CREATING SECTION 1.26 AND REPEALING AND REPLACING  
SECTIONS 1.03 AND 10.03(6)**

WHEREAS, the City of Kaukauna Common Council approved Ordinance 10.03(6) previously to deal with Noxious Weeds within the City; and

WHEREAS, the Wisconsin State Statute contained within Ordinance 10.03(6) has since been renumbered where it no longer cites to a correct state statute; and

WHEREAS, the City of Kaukauna Common Council wishes to correct the referred to statute, update the process for destroying noxious weeds, and designate a Weed Commissioner role be created to carry out destroying Noxious Weeds within the City.

NOW, THEREFORE, the Common Council of the City of Kaukauna, Wisconsin, do ordain as follows:

Sections 1.03; 1.26; and 10.03(6) are hereby created and/or repealed and replaced to read as follows:

**BEFORE REPEAL AND REPLACE**

1.03 Appointed Officials

The following shall be appointed officials:

| <b>Official</b>                                | <b>How Appointed</b>       | <b>Term</b> |
|--|----------------------------|-------------|
| Building Inspector                             | City Council               | Indefinite  |
| Chief of Police                                | Police and Fire Commission | Indefinite  |
| City Assessor                                  | City Council               | Indefinite  |
| City Engineer                                  | City Council               | Indefinite  |
| City Librarian                                 | Library Board              | Indefinite  |
| City Clerk                                     | City Council               | Indefinite  |
| Director of Planning and Community Development | City Council               | Indefinite  |
| Finance director                               | City council               | Indefinite  |
| Fire Chief                                     | Police and Fire Commission | Indefinite  |
| Recreation Director                            | City Council               | Indefinite  |
| Street Superintendent                          | City Council               | Indefinite  |
| Treasurer                                      | City Council               | Indefinite  |

**AFTER REPEAL AND REPLACE**

### 1.03 Appointed Officials

The following shall be appointed officials:

| Official                                       | How Appointed              | Term       |
|--|----------------------------|------------|
| Building Inspector                             | City Council               | Indefinite |
| Chief of Police                                | Police and Fire Commission | Indefinite |
| City Assessor                                  | City Council               | Indefinite |
| City Engineer                                  | City Council               | Indefinite |
| City Librarian                                 | Library Board              | Indefinite |
| City Clerk                                     | City Council               | Indefinite |
| Director of Planning and Community Development | City Council               | Indefinite |
| Finance director                               | City Council               | Indefinite |
| Fire Chief                                     | Police and Fire Commission | Indefinite |
| Recreation Director                            | City Council               | Indefinite |
| Street Superintendent                          | City Council               | Indefinite |
| Treasurer                                      | City Council               | Indefinite |
| Weed Commissioner                              | Mayor                      | 1-Year     |

#### BEFORE ADOPTION

### 1.26 (Reserved)

#### AFTER ADOPTION

### 1.26 Weed Commissioner

- 1. Appointment.** The Weed Commissioner shall be appointed by the Mayor pursuant to Wis. Stats. § 66.0517.
- 2. Duties.** The Weed Commissioner shall have the powers and duties described in Wis. Stats. § 66.0517. The Weed Commissioner can carry out destruction of Noxious Weeds as described by City Ordinance 10.03(6).

#### BEFORE REPEAL AND REPLACE

10.03(6) Noxious weeds. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one foot. The city may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under Wis. Stats. § 66.60(16). The charge for removing weeds and vegetation referred to herein shall be a \$150.00 minimum charge for city lots up to 8,000 square feet and a charge of \$150.00 per hour for larger city lots and/or additional work required to facilitate lawn cutting and removal of weeds and vegetation. This section shall not apply to vacant lots located on a face block where less than 50

percent of the face block is occupied. This section shall also not apply to vacant lots in the city industrial park until such lots are occupied.

## AFTER REPEAL AND REPLACE

### 10.03(6) Noxious weeds:

#### a. Definitions:

1. Destroy, has a definition as defined in Wis. Stats. § 66.0407(1)(a)
2. Noxious weed(s), as described in (c) below and in Wis. Stats. § 66.0407(1)(b).

b. At the direction of the City Mayor, the City Clerk shall annually, on or before May 15, publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which they own, occupy or control. A joint notice with other towns or municipalities may be utilized.

c. Noxious weeds include any weed, grass, or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. All weeds and grass shall be kept cut to a height of not to exceed twelve (12) inches. Any weed or grass that is kept to a height that exceeds twelve (12) inches can be considered a noxious weed for purposes of this section.

d. If the owner or occupant neglects to destroy any noxious weed as required by (b) of this section, then the Director of the Public Works, Code Enforcement Officer, or either of their assigns, shall give notice in the following manner:

1. Providing a documented warning to the owner or occupant of property of the violation. Typically done by either having a discussion with the owner or occupant about the violation and expectation to have the noxious weed destroyed within a certain time frame or by leaving notice at a conspicuous place about the property indicating the violation and to have the noxious weed destroyed within a certain time frame.

2. If the destruction of noxious weeds is not completed within the designated time frame under (1) of this subsection, formal notice shall be provided to the owner or occupant of a seven-day, written notice by mail to the owner or occupant of lands upon which noxious weeds are growing. If the owner or occupant neglects to destroy any noxious weeds as required by such notice, after the expiration of the seven-day period, the City's Weed Commissioner can proceed to destroy, or cause to be destroyed, all such weeds growing upon the land. The cost thereof will be assessed as a tax upon the lands upon which the weeds are located pursuant to Wis. Stats. § 66.0517. The charge for removing noxious weeds shall be \$150.00 per hour, with a \$150.00 minimum charge to facilitate destroying, or causing to be destroyed, noxious weeds.

e. During the same growing season there will be no second notice to property owners to abate. If a second complaint is received and substantiated after City already destroyed Noxious Weeds during the same growing season and regarding the same parcel of land, the City may cause the destruction of Noxious Weeds at the property and bill the owner for time, machinery, and administrative costs without having to give formal notice a second time. The City Council has determined that it has zero tolerance regarding this issue – the abatement is the owner’s responsibility.

f. This section shall not apply to vacant lots located on a face block where less than 50 percent of the face block is occupied except for growth in the right-of-way, any growth obstructing any public sidewalks or streets, or any growth affecting safety across vision corners. This section shall also not apply to vacant lots in the City industrial park until such lots are occupied, except for growth in the right-of-way, any growth obstructing any public sidewalks or streets, or any growth affecting safety across vision corners.

Passed and adopted by Council on the 16<sup>th</sup> day of July, 2024.

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_  
Sally Kenney, Clerk