

CITY OF TWO RIVERS

ORDINANCE

An Ordinance to amend Section 9-3-4 and 9-6-8 of the Municipal Code of the City of Two Rivers, Wisconsin, based on the recommendation of the City Manager:

WHEREAS, the City of Two Rivers (the "City"), Section 9-3-4 of the City Code requires notice be given to every person owning, occupying or controlling land to destroy all noxious weeds on that land.

WHEREAS, the State of Wisconsin requires the destruction of noxious weeds under Wis. Stats. § 66.0407 and provides a list of plants designated as noxious weeds.

WHEREAS, Section 9-3-4 of the City Code mandates that property owners in the City of Two Rivers destroy noxious weeds and maintain lawns in accordance with city regulations.

WHEREAS, Section 9-6-8 of the City Code provides the procedure that the City must follow in providing notice to property owners prior to the abatement of public nuisances.

WHEREAS, the City wishes to amend these regulations to clarify said mandates to abate public nuisances, including noxious weeds.

NOW, THEREFORE, The City Council of the City of Two Rivers, Wisconsin, does hereby ordain as follows:

SECTION 1. The City of Two Rivers shall renumber Section 9-3-4 to 9-6-11 of the Municipal Code, reserving Section 9-3-4 for future use. Subsection E. of Section 9-3-4 shall be amended as follows:

- E. All lawns shall be kept cut to a height not to exceed eight inches. Noxious weeds and nuisance weeds as described in this section shall be destroyed as provided in subsection A. of this section. If the owner of any property fails to maintain its lawn at a height not to exceed eight inches, within five days of providing notice to the property owner from the city demanding the same, in the form indicated in this

section, addressed to the owner at their last-known address, the city may cause the lawn to be cut, and the cost thereof shall be charged to the property as a special charge pursuant to Wis. Stats. § 66.0627.

SECTION 2. The City of Two Rivers shall amend Section 9-6-8 of the Municipal Code, as follows:

Sec. 9-6-8. - Enforcement; abatement; notice.

- A. Enforcement. The chief of police, the chief of the fire department, the building inspector, the zoning administrator, and the health officer, or their designees shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to determine whether such provisions have been violated. No action shall be taken under this section to abate a public nuisance unless the officer or their designee has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has seen or been presented with evidence which leads to the officer's or officer's designee's reasonable belief that a nuisance does in fact exist.
- B. Summary abatement. If the inspecting officer determines that a public nuisance exists within the city and that there is great and immediate danger to the health, safety, peace, morals, or decency of the public, the city manager may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- C. Abatement after notice. If the inspecting officer or their designee shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to public health, safety, peace, morals, or decency, the officer or designee shall serve notice on the person causing, permitting, or maintaining the nuisance to remove the same within ten (10) days, or fewer if indicated by the specific section. If such nuisance is not removed within such period, the officer or designee shall cause the nuisance to be removed as provided in subsection B., above.
- D. Method of providing notice. The inspecting officer or their designee shall provide notice by personally delivering written notice to the owner, posting written notice

at the owner's last known address, or by mailing written notice to the owner at their last known address.

- E. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the State of Wisconsin.
- F. Court order. Except when necessary under subsection B., no officer or designee hereunder shall use force to obtain access to private property to abate a public nuisance. An officer or designee shall request permission to enter upon private property from the property owner or occupier, if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order allowing the city or an official to commence the abatement of the public nuisance.

Adopted by the Council of the City of Two Rivers, Manitowoc County, Wisconsin this ____ day of _____, 202_.

Scott Stechmesser
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch, City Clerk

Approved as to form and legality:

Sean P. Griffin
City Attorney