

**TOWN OF NEWTON
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 7132016

**AMENDMENT TO ORDINANCE NO. 1172012
PUBLIC NUISANCE ORDINANCE**

WHEREAS, Ordinance 1172012, Public Nuisance Ordinance of the Town of Newton provides at Section 1.02(B)(5) that all noxious weeds and other rank growth of vegetation constitute a public nuisance affecting health; and

WHEREAS, the Town Board finds that lawns, grasses and noxious weeds which exceed eight (8) inches in height adversely affect the public health and safety in that they tend to emit pollen and other discomforting bits of plants, they present conditions for the accumulation and trapping of debris, especially next to and near structures, creating an unreasonable risk from fire endangering the public health and safety, and they interfere with the public convenience and adversely affect property values of other land in the surrounding neighborhood;

NOW, THEREFORE, the Town Board of the Town of Newton, pursuant to Sections 60.10 (2)(c) and 60.22, Wis. Stats., and its village powers under Section 61.34, Wis. Stat., hereby amends Ordinance No. 1172012, Public Nuisance Ordinance, as follows:

SECTION 1. Section **1.02 (B) (5)** is repealed and re-created as follows:

1.02 (B) (5) All noxious weeds and other rank and over-abundant growth of vegetation. All weeds and grasses shall be kept cut to a height not to exceed eight (8) inches within fifty (50) feet of the perimeter of a structure (residential or nonresidential), or to the boundary line of the parcel on which the structure is located, whichever is less.

SECTION 2. Section **1.04 (C) ABATEMENT; NON-IMMEDIATE THREAT** is amended by adding the following:

Notwithstanding the foregoing, in the case of a nuisance determined under Sec. 1.02 (B) (5) for weeds and grasses, notice shall be served as herein to abate or remove the nuisance within seven (7) days, and if such nuisance is not abated or removed within seven (7) days, the Town may proceed as provided in this section 1.02 (C).

SECTION 3. Section **1.05 COSTS OF ABATEMENT** is amended by adding the following:

The cost of abatement of a nuisance under Section 1.02 (B) (5) for weeds and grasses shall be a minimum of \$300. For any abatement for weeds and grasses which takes longer than one (1) hour, there shall be an additional cost based on time and material for the equipment used in the abatement at the then Classified Equipment Rates Standard of the Wisconsin Department of Transportation, plus actual labor costs.

SECTION 4. Section **1.06 ENFORCEMENT PROVISIONS (A) PENALTY** is repealed and re-created as follows:

(A) PENALTY. Any person who shall violate this ordinance, shall, upon conviction thereof, pay a forfeiture as follows:

First offense	\$50
Second offense	\$100
Third offense	\$200
Fourth offense	\$400

plus the applicable surcharges, assessments, and costs for each violation. In default of payment of such amounts such person shall be imprisoned in the County jail until such amounts are paid but not exceeding 90 days.

SECTION 5. The provisions of this Ordinance are severable. If any portion hereof is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the remainder hereof which shall continue to be in full force and effect.

SECTION 6. This Ordinance shall be effective upon adoption and publication according to law.

Adopted: July 13, 2016.

TOWN OF NEWTON TOWN BOARD

By: _____
Kevin Behnke, Chairperson

ATTEST:

By: _____
Barbara Pankratz, Clerk