

..Number
141176
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. STAMPER

..Title
A substitute ordinance relating to the abatement of nuisance vegetation.

..Sections
80-17-0 rc
80-17-1 rc
80-17-2 rc
80-17-6-a am
200-51.7-7-a-1 am

..Analysis
Current code provisions prohibit turf grass or weeds exceeding 7 inches in height on any property in the city. This ordinance adds to this prohibition nuisance vegetation of any height, where “nuisance vegetation” is defined as any growth of trees, shrubs, vines or other plants which is not intentionally designed or managed. Presently, the provisions apply only to specific species of turf grass and to weeds.

This ordinance also specifies that any person failing to abate nuisance vegetation within 30 days of initial inspection shall be subject to a \$50 special charge. The current abatement period of 72 hours for turf grass and weeds remains unchanged.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 80-17-0 to 2 of the code is repealed and recreated to read:

80-17. Nuisance Vegetation.

1. DEFINITIONS. In this section:

a. “Nuisance vegetation” means any growth of trees, shrubs, vines or other plants which is not intentionally designed or managed, as determined by the commissioner of public works, or the commissioner’s designee. This definition shall not include turf grass, as defined in this section.

b. “Turf grass” means annual bluegrass, annual ryegrass, bahiagrass, bermudagrass, buffalograss, carpetgrass, centipedegrass, colonial bentgrass, creeping bentgrass, fine fescue, hybrid bermudagrass, Kentucky bluegrass, kikuyugrass, orchardgrass,

perennial ryegrass, quackgrass, rough bluegrass, seashore paspalum, St. Augustinegrass, tall fescue and zoysiagrass.

2. TO BE CUT.

a. It shall be unlawful to permit within the city:

a-1. The pollenization of any turf grass or weeds which cause or produce hay fever.

a-2. The growth of nuisance vegetation.

b. To protect the public health, safety and welfare, no turf grass or weeds of any kind shall be permitted to grow or stand more than 7 inches on any property in the city and no nuisance vegetation shall be permitted to grow or stand on any property in the city.

Part 2. Section 80-17-6-a of the code is amended to read:

6. CHARGES AND COSTS. a. Any person who fails to cut turf ~~[[grasses]]~~ >>grass<< or weeds >>or fails to abate the growth of nuisance vegetation.<< as required in sub. 2 >>,<< shall be subject to a special charge of \$50 for a first violation in a calendar year, if >>:

a-1. For turf grass or weeds,<< the violation is not abated within 72 hours of initial inspection and photographic verification by the department.

>>a-2. For nuisance vegetation, the violation is not abated within 30 days of initial inspection and photographic verification by the department.<<

Part 3. Section 200-51.7-7-a-1 of the code is amended to read:

200-51.7. Vacant Building Registration.

7. MINIMUM REQUIREMENTS FOR VACANT BUILDINGS.

a. Lot Maintenance Standards.

a-1. All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below ~~[[9]]>>7<<~~ inches in height and all >>nuisance vegetation and<< dead or broken trees, tree limbs or shrubbery shall be cut >>or otherwise corrected, as directed by the commissioner of public works,<< and removed from the premises >>, as provided in ss. 80-17 and 275-81<<.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB 155751-2

Andrew R. VanNatta

04/15/2015