



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety
Committee
Re: Amending Code Secs. 10-34 & 10-35 removing
Milkweed from the list of noxious weeds and
changing references to the Department of
Public Works.

ORDINANCE NO. 2013-16
Introduced: October 2, 2013
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 10-34(a) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

(a) Unless delegated to the county, the Department of Public Works ~~and Utilities~~ 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 he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.

Section 2. Section 10-34(d)(3) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

(3) Noxious weeds are also the following plants and other rank growth:

Ragweed
Thistles
Smartweed
Dandelions (over eight inches in height)
~~Milkweed (over eight inches in height)~~
Begger Ticks
Poison Oak
Wild Mustard
Garlic Mustard (*Alliaria petiolata*)
Japanese Knotweed (*Fallopia japonica*, syn. *Polygonum cuspidatum*)

Section 3. Sections 10-35(c)(1) & (2); & (d) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 10-35. Regulation of natural lawns.

(c) Application process.

(1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Department of Public Works ~~and Utilities~~. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a nonrefundable filing fee as established by resolution by the Common Council will be assessed by the City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the office of the City Assessor, who are owners of the property situated wholly or in part within 200 feet of the boundaries of the proposed natural lawn site for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from 51 percent or more of the neighboring property owners, the Director of Public Works ~~and Utilities~~ shall deny the application and the permit shall only be issued by the Common Council. Neighboring property owners shall be defined as all those property owners who are located within 200 feet of the proposed natural lawn site.

(2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51 percent of the neighboring property owners provide written objections, the Director of Public Works ~~and Utilities~~ shall issue a three-year permit to install a natural lawn. Permit renewals shall follow the same procedure used for original applications.

(d) Application for appeal. The property owner may appeal the Director of Public Work's ~~and Utilities'~~ decision to deny the natural lawn permit request to the Public Services and Safety Committee at an open meeting by filing a written application for appeal and a refundable filing fee as established by resolution by the Common Council with the City Clerk. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the natural lawn management plan. The decision rendered by the Public Services and Safety Committee shall be final and binding. In the event that the Public Services and Safety Committee allows the appeal and grants the permit, the fee paid under this subsection shall be refunded. If the appeal is denied and the permit is not granted, the fee paid shall be forfeited to the City.

Section 4. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 5. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: Ald. Bates/Ramos

Adopted: October 2, 2013

Approved: October 2, 2013

Published: October 7, 2013



George Scherck, Mayor

Attest:



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
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State Bar No. 1005210