

Chapter 271

HEALTH AND SANITATION

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 6, Ch. 1, of the 1987 Code of Ordinances). Amendments noted where applicable.]

§ 271-1. Rules and regulations.

The Village Board, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.¹

§ 271-2. Keeping of livestock.

- A. Sanitary requirements. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors, and shall only be kept in properly zoned areas.
- B. Animals excluded from food handling establishments. No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

§ 271-3. Deposit of deleterious substances prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

§ 271-4. Destruction of noxious weeds.

- A. The Village Clerk-Treasurer 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 Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then

¹ Editor's Note: Original Sec. 6-1-2 of the 1987 Code Ordinances, Health nuisances, abatement of, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 342-3, Public nuisances affecting health, and § 342-6, Abatement of public nuisances.

the Weed Commissioner of the Village shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five-day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of § 66.0407 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five-day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

- C. As provided for in § 66.0407, Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall 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.
- (1) Noxious weeds, as regulated in this section and in § 271-6, shall include, but not be limited to, the following: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (a) *Cirsium Arvense* (Canada Thistle).
 - (b) *Ambrosia artemisiifolia* (Common Ragweed).
 - (c) *Ambrosia trifida* (Great Ragweed).
 - (d) *Euphorbia esula* (Leafy Spurge).
 - (e) *Convolvulus arvensis* (Creeping Jenny) (Field Bind Weed).
 - (f) *Tragopogon dubius* (Goat's Beard).
 - (g) *Rhus radicans* (Poison Ivy).
 - (h) *Cirsium vulgare* (Bull Thistle).
 - (i) *Pastinaca sativa* (Wild Parsnip).
 - (j) *Arctium minus* (Burdock).
 - (k) *Xanthium strumarium* (Cocklebur).
 - (l) *Amaranthus retroflexus* (Pigweed).
 - (m) *Chenopodium album* (Common Lambsquarter).
 - (n) *Rumex Crispus* (Curled Dock).
 - (o) *Cannabis sativa* (Hemp).

- (p) *Plantago lanceolata* (English Plantain).
- (2) Noxious grasses, as regulated in this section and in § 271-7, shall include, but not be limited to, the following: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (a) *Agrostia alba* (Redtop).
 - (b) *Dactylis glomerata* (Orchard).
 - (c) *Phleum pratensis* (Timothy).
 - (d) *Poa pratensis* (Kentucky Blue).
 - (e) *Sorghum halepense* (Johnson).
 - (f) *Setaria* (Foxtail).
- (3) Noxious weeds are also the following plants and other rank growth:
 - (a) Ragweed.
 - (b) Thistles.
 - (c) Smartweed.
 - (d) Dandelions (over 10 inches in height).
 - (e) Milkweed (over 10 inches in height).

§ 271-5. Regulation of natural lawns.

- A. Natural lawns defined. "Natural lawn" as used in this section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in § 271-4 of this chapter. The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the Village corporate limits unless a natural lawn management plan is approved and a permit is issued by the Village as set forth in this section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- B. Natural lawn management plan defined.
 - (1) "Natural lawn management plan," as used in this section, shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
 - (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural lawn management

plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than 10 feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within 10 feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.

- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver, thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten-foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten-foot section abutting the neighboring property owner. The Village Board shall revise the approved natural lawn permit accordingly. The owner of the approved natural lawn shall be required to remove the ten-foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the Village, provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten-foot section abutting the neighboring property owner no later than May 20 following receipt of the notification. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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 Village Clerk-Treasurer. The completed application shall include a natural lawn management plan. Upon submitting a completed application, a nonrefundable filing fee as set by the Village Board will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties 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 Village receives written objections from 51% or more of the neighboring property owners, the Village Clerk-Treasurer shall immediately deny the application. "Neighboring property owners" shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) If the property owner's application is in full compliance with the natural lawn management plan requirements and less than 51% of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to

install a natural lawn.

- D. Application for appeal. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. 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 Village Board shall be final and binding.
- E. Safety precautions for natural grass areas.
 - (1) When, in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three days upon receiving written direction from the Fire Chief.
 - (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby ensuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be \$300,000.
- F. Revocation of an approved natural lawn permit. The Village President, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved natural lawn permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this section. Notice of intent to revoke an approved natural lawn permit shall be appealable to the Village Board. All applications for appeal shall be submitted within 15 calendar days of receipt of the written Notice of Intent to revoke the approved natural lawn management plan. Failure to file an application for appeal within the 15 calendar days shall result in the revoking of the natural lawn permit. All written applications for appeal filed within the fifteen-calendar day requirement shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- G. Public nuisance defined; abatement after notice.
 - (1) The growth of a natural lawn as defined in this section shall be considered a public nuisance unless a natural lawn management plan has been filed and approved and a permit is issued by the Village as set forth in this section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.

- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within 10 days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by state statute.
- (3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this section.

H. Penalty.

- (1) Any Person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in 1-3.
- (2) In Addition to any penalties herein provided, the Village may issue stop-work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this section.

271-6. Regulation of length of lawn and grasses

- A. Public nuisance declared. The Village Board finds that lawns, grasses and noxious weeds (all together herein, "lawns") on lots or parcels of land which exceed seven inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds seven inches in length is hereby declared to be a public nuisance.
- B. Nuisances prohibited. Every owner or occupant of any premises having a lawn shall cut and maintain such lawn at a height not exceeding seven inches on such premises as well as the boulevard in front of or along such premises.
- C. If a property is in violation of this section for the first time in a calendar year, the Village Weed Commissioner or Village Board (or their designee) shall provide written notice of such violation to the property owner or occupant, or both, via regular mail at the address provided

for the property owner on the tax roll (for the property owner) or the address of the property; at issue (for the property occupant). If the property is not compliant with the requirements of 271-6B within seven (7) days of the date of the mailing of said written notice, the property owner and/or occupant shall be deemed to be in violation of this section.

In the event that the same property is in violation of Section 271-6(B) for any date after the expiration of the seven day warning in the same calendar year, the property owner and/or occupant shall be deemed to be in violation of this section without the Village Weed Commissioner or Village Board (or their designee) providing another written notice of such violation. Each day the property fails to be in compliance with Section 271-6(B) shall constitute a separate violation of this Ordinance.

D. Violation.

(1) Any owner or occupant who violate any of the provisions of this section shall upon conviction, be subject to a forfeiture with an additional forfeiture for each day that the property is not compliant with the requirements of this ordinance after the notice deadline date set forth in 271-6C. 271-6C.

(2) In addition to the forfeiture set forth above, the Village may file an action for injunctive relief, whereby the owner or occupant of a noncompliant property shall be ordered to abate the nuisance and cause the property to comply with the requirements of 271-6B.

(3) In addition to the Violation remedies listed in (1) and (2) above, the Village shall also have the right to bring the property into compliance and the cost of any such maintenance shall be charged against the owner of the property and shall become a lien upon the property as a special charge in accordance with the Wisconsin Statutes and with Chapter 131 of the Village Ordinances.

271-7 Regulation of location of travel trailer/camping units (Added 12/17/2018)

- A. Travel trailers/camping units defined. For the purpose of this section, "travel trailers/camping units" shall mean any portable device used as a temporary dwelling, including, but not limited to, a camping trailer, motor home, bus, van, pickup truck, or tent.
- B. Temporary location. Travel trailers/camping units shall not be used as a dwelling within the Village, with or without a principal structure being present, for a period in excess of 25 total days within any one year period.
- C. Storage and parking of travel trailers/camping units. Travel trailers/camping units may be stored or parked on property in the Village under the following conditions:
- (1) The property contains a principal structure being a dwelling or residence, which is occupied by the owner of the travel trailer/camping unit at least 51% of the year;
 - (2) The property is correctly zoned for the principal structure; and
 - (3) The travel trailer/camping unit cannot be connected to the utilities nor can it be leveled and skirted. The wheels and tongue apparatus must remain on the travel trailer/camping unit
- D. Violation. Any individual who violates any of the provisions of this section shall, upon conviction, be subject to a forfeiture of \$20 per day for each subsequent day the individual is not in compliance with the requirements of this section. As an alternative of cumulative remedy, the Village may, in the Village's discretion, utilize injunctive relief to prevent continued violation of this section.

271-8 CAMPGROUNDS

- A. The provisions of Wisconsin Administrative Code Chapter ATP 79 regulating campgrounds is hereby adopted, incorporated, and made a part of this ordinance as if fully set forth herein.
- B. Any and all acts required to be performed by Wisconsin Administrative Code Chapter ATP 79 is required by this ordinance. Similarly, any and all acts prohibited by Wisconsin Administrative Code Chapter ATP 79 are prohibited by this ordinance.
- C. All campgrounds within the Village of Hixton shall comply with Wisconsin Administrative Code Chapter ATP 79, Village of Hixton zoning ordinances, and all other applicable laws, ordinances, and regulations.
- D. Any person and/or entity who owns or operates a campground and who violates any term or provision of this ordinance shall forfeit an amount not less than \$250.00 and not more than \$1,000.00, together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense subject to the fines and penalties set forth herein.
- E. In addition to all other rights and remedies available at law or in equity, this ordinance may be enforced by the Village of Hixton by the commencement of a civil cause of action against any violator for, among other things, money damages and/or injunctive relief. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin within the Village of Hixton. This ordinance may be enforced by the issuance of citations by officials or designees of officials authorized to issue citations.

271-9 HOTELS, MOTELS, AND TOURIST ROOMING HOUSES

A. The provisions of Wisconsin Administrative Code Chapter ATPC 72 regarding Hotels, Motels, and Tourist Rooming Houses is hereby adopted, incorporated, and made a part of this ordinance as if fully set forth herein.

B. Any and all acts required to be performed by Wisconsin Administrative Code Chapter ATPC 72 is required by this ordinance. Similarly, any and all acts prohibited by Wisconsin Administrative Code Chapter ATPC 7c are prohibited by this ordinance.

C. All Hotels, Motels, and Tourist Rooming Houses within the Village of Hixton shall comply with Wisconsin Administrative Code Chapter ATPC 72, Village of Hixton zoning ordinances, and all other applicable laws, ordinances and regulations.

D. Any person and/or entity who owns or operates a Hotel, Motel, and/or Tourist Rooming House and who violates any term or provision of this ordinance shall forfeit an amount not less than \$250.00 and not more than \$1,000.00, together with the costs of prosecution. Each day a violation exists or continues shall constitute a separate offense subject to the fines and penalties set forth herein.

E. In addition to all other rights and remedies available at law or in equity, this ordinance may be enforced by the Village of Hixton by the commencement of a civil cause of action against any violator for, among other things, money damages and/or injunctive relief. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin within the Village of Hixton. This ordinance may be enforced by the issuance of citations by officials or designees of officials authorized to issue citations.