

### **Port Common Council considers ordinance that lowers maximum grass height, give scofflaws less time to comply**

Port Washington officials on Tuesday took the first step to crack down on people who don't care for their lawns.

Aldermen reviewed a proposed six-page ordinance on the control of weeds, grasses, lawns and natural lawns that is intended to help keep neighborhoods looking neat and keep nuisances to a minimum.

The proposed ordinance was sought by the council after Mayor Scott Huebner and some residents complained about the number of unkempt lawns in the city.

One resident decried the fact that developers often prepare lots but, when they don't sell, allow the grass to grow unchecked and weeds to take over. As the weeds go to seed, they spread to neighboring properties.

In recent years, Huebner said, the number of people neglecting their yards has increased substantially, especially as foreclosures have increased. That's because the banks that end up with title to the properties are less motivated to maintain them regularly than homeowners, he said.

The current law, which allows grass and weeds to reach 12 inches before the city can step in, doesn't prevent problems, Huebner said.

So far this year, the city has sent out 10 letters to property owners who have not kept up their lawns, according to the Department of Public Works. Of those, five lawns were cut by the city and the property owner charged for the work and four by the owner. The deadline for mowing has not been reached for the other property.

Last year, the city sent out 34 letters for unkempt lawns during the same time frame, according to department records.

The ordinance reviewed Tuesday is based on laws in the cities of Cedarburg and Appleton and Village of Germantown, City Attorney Eric Eberhardt said.

"The key to this ordinance is to classify the acts you don't want to see as a public nuisance," he said. "The ordinance makes it clear, it's a duty to regularly mow."

One of the keys to the ordinance, he said, is that lawns must be kept 8 inches or shorter, as compared to the current ordinance, which sets the maximum height at 12 inches.

Once a property owner is notified by the city that the lawn is too high, he would have five days to contest that ruling or cut the lawn, Eberhardt said. The current ordinance gives owners 10

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days to comply.

If the homeowner doesn't cut the lawn, the city could then go in and do the work, Eberhardt said. Not only would the city be able to charge for the cost of labor and equipment, inspection and administrative fees could also be charged.

"All of this is to gain compliance, but there's a bit of a punitive aspect to it as well," Eberhardt said, noting the hope is that it will deter property owners from becoming repeat offenders.

The proposed ordinance would require people with natural lawns to obtain a permit for them, Eberhardt said. To do so, property owners would need to present a plan for the lawn, including a list of the plants to be used and information on how it will be maintained.

"They can keep these areas, but they must get a permit," Eberhardt told aldermen. "Is that burdensome? Is that outrageous? That's for you to decide."

Ald. Jim Vollmar questioned how this would affect people who live along the bluff and ravine, noting many of them maintain their lawns but keep the hillsides natural.

Unless a permit is obtained for these areas, Eberhardt said, the homeowners would be in violation of the ordinance.

The proposed ordinance also prohibits planting anything but grasses in the parkway, but Ald. Paul Neumyer pointed out there are several property owners who have done extensive plantings in the parkways.

He asked if the existing plantings can be exempt so the property owners aren't affected by the proposed ordinance.

"I know the properties you're talking about, and they're fantastic," Eberhardt said. However, he said, the plantings would not be allowed under the ordinance, which is intended to be part of the building code.

If the city makes the ordinance part of the zoning code, he said, these could be allowed as nonconforming uses.

Ald. Joe Dean said the city should use common sense when applying the ordinance, using it when complaints are lodged rather than having workers write up any tall lawns they see.

"We're not sending our weed commissioner out to inspect every property looking for a blade of grass taller than eight inches," he said. "Are we going to be reasonable?"

But the ordinance's length and complexity had some aldermen questioning it.

"The mayor was just looking for people to cut their grass," Ald. Dan Becker said. "Are we getting a little too complicated?"

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“Maybe it can’t be that simple today. We’re dealing with foreclosures. And it’s affecting people in our community.”

Eberhardt said the city’s current ordinance is not only brief but lacking in many ways.

For example, he said, the existing ordinance refers to natural lawns but “there is nothing that would give you teeth to deal with them.”

“This is a far better ordinance than what’s on the books now,” he said. “I think it’s a good ordinance.”

Aldermen are expected to tweak the ordinance when they give it a final review on Tuesday, July 19.