

## Chapter 256

### WEEDS, YARDS AND LAWNS

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[HISTORY: Adopted by the Village Board of the Village of Fall Creek 5-10-2001. Amendments noted where applicable.]

### GENERAL REFERENCES

Nuisances -- See Ch. 184.

Yard waste – See Ch. 223, Art. II.

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#### § 256-1. Office of Weed Commissioner created.

The office of Weed Commissioner for the Village of Fall Creek is established pursuant to W.S.A. s 66.0517.

#### § 256-2. Weed Commissioner appointed. [Amended 5-10-2010]

Such office shall be appointed by the Village President annually, and compensation of \$150 shall be paid to the Weed Commissioner annually.

#### § 256-3. Objectionable weeds. [Amended 6-14-2007, 10-7-2019]

Every owner or occupant of any premises in the village shall destroy any growth of weeds on such premises. The term “objectionable weeds” shall mean Canada or other thistles, leafy spurge, field bindweed (commonly called “creeping Jenny”), Ambrosia trifida (commonly called “giant ragweed”), Arubuoisia artemasifolia (commonly called “common ragweed”), burdock, Rhus radicans, sometimes called “Radicans toxicodendron,” Rhus Toxicodendren, Toxicodendren radicans (commonly called “poison ivy”), Urtica dioica (commonly called “stinging nettle”), or any other noxious weed. This section shall also apply to the boulevard in front of or along any premises.

#### § 256-4. Village action.

After 10 days from the publishing of a notice given as stated in this chapter, the village may destroy any weeds not so destroyed and assess the expense therefore against such property as a special tax thereon.

#### § 256-5. Destruction; posted notice. [Amended 6-14-2007]

The Village Clerk shall, annually, on or before May 15, cause to be posted in the Village Hall or be published in the police newsletter, if available, to the effect that objectionable

weeds are to be destroyed as provided in this chapter, and that if the same are not destroyed, action will be taken pursuant to this chapter.

**§ 256-6. Application; village-owned property.**

It shall be the duty of the Weed Commissioner to apply the provisions of this chapter to the village-owned property.

**§ 256-7. Special notices.**

Special or additional notices upon any property or occupant may at any time be served personally or by mail requiring the destruction of weeds, in which case all of the provisions of this chapter shall likewise apply.

**§ 256-8. Enforcement dates.**

The provisions of this chapter shall be enforced between April 1 and October 31.

**§ 256-9. Yards and lawns.**

- A. In this section, “yard” means an open space at grade on the same lot as a building or structure located between the main building and the adjoining lot line and/or street line. The measurement of the yard shall be the maximum horizontal distance between the lot line and the building or structure.
- B. Yards shall be provided with adequate lawn, groundcover or vegetation, hedges or bushes equal to at least 10% of the total lot area. All areas which are not covered by vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance, street or sidewalk shall be properly trimmed to avoid obstructions of the view and movement of vehicles and pedestrians.
- C. 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.
- D. Every owner of any vacant lot that does not have a lawn shall be required to cut and maintain such lot as required by the Weed Commissioner. **[Amended 6-14-2007]**
- E. New residential construction completed by August 1 must have the lawn completed by October 1. New residential construction completed after August 1 must have the lawn completed by June 30 of the succeeding year. **[Amended 6-14-2007, 6-12-2008]**
- F. After 10 days from the posting of a notice given as stated in this section, the village may cut or maintain any premises or boulevard not complying with the ordinances and assess the expenses therefore against such properties as a special tax thereon. **[Amended 6-14-2007]**
- G. The Village Clerk shall, annually, on or before May 15, cause to be posted in the village to the effect that lawns are required to be cut and maintained as provided in this section, and that if such lawns are not cut and maintained, action will be taken pursuant to this

section. At no time thereafter shall lawn exceed seven inches in height. [**Amended 6-14-2007**]

- H. Special or additional notice upon any property notice or occupant may be made and served personally or by mail prior to action taken by the village to cut the lawn on any premises or boulevard which is not in compliance with the provisions of this chapter. [**Amended 6-14-2007**]
- I. **Storage of Firewood.** If stored in the open, firewood shall be stacked in piles not to exceed five (5) feet in height. Firewood piles shall be allowed in the rear yard only, which by definition shall be to the rear of the principal building on a given lot, subject to the further requirement that no woodpile shall be placed within the side or rear yard setbacks for the lot in question under the Village Zoning Code. For corner lots, no wood piles shall be permitted in the side yard adjoining the cross street and situated between the rear line of the principal building and the front property line facing the street designated for street address purposes for that lot, nor shall wood piles be placed closer to the street than the setback line from the cross street as established for that lot under the Village Zoning Code. The terms “front yard”, “principal building”, “rear yard” and “side yard” shall have the definitions set forth in §268-3. The term “cross street” shall mean the street adjoining a corner lot other than the street designated for street address purposes for that lot. [**Added 4-23-2008, Amended 6-12-2008, 9-18-2008**]
- J. This section shall be enforced by the Weed Commissioner or, if needed, by the City-County Health Department. [**Amended 6-14-2007, 10-10-2007**]

#### **§ 256-10. Waivers.**

The Weed Commissioner may waive the provisions of this chapter, in whole or in part, when in that person’s opinion, such waiver shall not detract from the aesthetics of an area, create a nuisance or be otherwise objectionable.

#### **§ 256-11. Violations and penalties.**

Any owner or occupant who violates any of the provisions of this chapter shall, upon conviction, be subject to forfeiture of not more than \$500 for each offense. Each day during which any violation continues shall be deemed to constitute a separate offense.