

ORDINANCE NO. 1787-2024

**AN ORDINANCE TO AMEND SECTION 12.01.22.A OF TITLE 12 OF THE CODE OF ORDINANCES
OF THE CITY OF ONALASKA RELATED TO VEGETATION AND LANDSCAPING**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 12.01.22.A of Title 12 Property Maintenance, Public Nuisances and Vacant Building Code related to Vegetation and landscaping, is hereby deleted in its entirety and replaced as follows:

12.01.22 Vegetation and landscaping.

A. Vegetation and landscaping shall present an attractive appearance in accordance with generally accepted landscaping practices and as follows:

1. Exposed soils, except exposed soil that is associated with a garden or cultivated farmland, shall be vegetated, landscaped, or paved consistent with this chapter to prevent soil erosion.

2. The Common Council finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight 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 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 City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area, wetland area, or where the parcel of land is located within a subdivision where more than 70% of the parcels are unbuilt/vacant, or where natural landscaping as described below has been appropriately utilized. Native grasses and forbs that are part of a managed natural landscape are exempt from the height requirement of this provision.

3. Natural landscapes shall be permitted in all zoning districts. However, unmanaged vegetation that constitutes a nuisance or hazard shall be prohibited. The Building Inspector/Zoning Administrator or other authorized agent shall determine whether an existing landscape is a natural landscape or unmanaged vegetation that constitutes a nuisance or hazard. Natural landscapes include existing wooded areas, wetlands, prairies, and similar areas that are generally characterized by a diversity of species native to the area. Natural landscapes also include restored and managed plant communities and wildlife habitats that are comprised primarily of native ferns, grasses, forbs, aquatic plants, trees and shrubs. Where a natural landscape abuts a property or right-of-way that does not have a natural landscape, the property owner with the natural landscape shall provide an adequate grass lawn buffer or other acceptable buffer between the natural landscape and the adjacent property or right-of-way so as to prevent the natural landscape from being a nuisance or hazard or encroachment. Wherein the City is an adjoining property owner, the Public Works Director or other authorized agent shall act as a signatory to the waiver, so long as the vision triangle, public safety, and visibility of public infrastructure are not impacted.

4. When, in the opinion of the Fire Chief or their designee, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief or their designee may order the cutting of natural lawns to a safe condition by written order. A property

owner shall be required to cut the natural lawn within three days upon receiving direction from the Fire Chief or their designee.

5. Vegetation that may impede the proper functioning of a drainage swale shall be removed unless specifically approved, in writing, by an authorized agent of the City.

6. Vegetation (including gardens) shall be properly and routinely maintained or removed so that it does not present a hazard to structures, persons, or vehicles, impact vision triangles, and visibility/utility of public infrastructure. No person shall maintain, plant, or permit to remain on any private property situated at the intersection of two or more streets/alleys in the City any tree, shrub, or other growth which may obstruct the view or life safety of the operator of any motor vehicle or pedestrian approaching such intersection. No obstructions shall be permitted between the heights of 2.5 feet and 10 feet at an intersection measured 10 feet along both streets/alleys and forming a triangle by striking an imaginary line between said points. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery, or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the City. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

7. Any trees/bushes/shrubbery located upon any private premises adjacent to any public way or public property/areas shall be kept trimmed so not to impede travel. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over the public right-of-way provide a clearance of a minimum of 14 feet. Clearance from sidewalk to lower branches shall be a minimum of 10 feet above the level of a sidewalk.

8. Brush. Piles of brush (tree branches, yard waste, etc.) shall not be allowed to accumulate and/or be stored on parcels of residentially zoned land, as said brush becomes habitat for vermin and other associated animals and can become a public nuisance.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this 14TH day of May, 2024.

CITY OF ONALASKA

By: _____

Kim Smith, Mayor

By: _____

JoAnn Marcon, Clerk



PASSED: 05/14/2024
APPROVED: 05/14/2024
PUBLISHED: 05/21/2024